



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

साप्ताहिक

WEEKLY

सं. 7]

नई दिल्ली, फरवरी 10—फरवरी 16, 2019, शनिवार/माघ 21—माघ 27, 1940

No. 7]

NEW DELHI, FEBRUARY 10—FEBRUARY 16, 2019, SATURDAY/ MAGHA 21—MAGHA 27, 1940

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

अंतरिक्ष विभाग

बैंगलूरु, 25 जनवरी, 2019

का.आ. 229.—राष्ट्रपति संविधान की धारा 309 के परंतुक द्वारा प्रदत्त शक्तियों के प्रयोग में अंतरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण तथा अपील) नियम, 1976 के संशोधन में निम्नलिखित नियम बनाते हैं, अर्थात्

- 1) ये नियम अंतरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण तथा अपील) संशोधन नियम, 2019 कहे जाएंगे।
- 2) ये सरकारी राजपत्र में अपने प्रकाशन के दिनांक से प्रवृत्त होंगे।

2. विद्यमान 'अंतरिक्ष विभाग के अधीन सिविल पदों के वर्गीकरण' निम्नानुसार प्रतिस्थापित किए जाएंगे:

क्र. सं.	पदों का विवरण	पदों का वर्गीकरण
(1)	(2)	(3)
1.	स्तर 10 से 18 में वेतन मैट्रिक्स के धारित वेतन वाला एक पद	समूह 'क'
2.	स्तर 6 से 9 में वेतन मैट्रिक्स के धारित वेतन वाला एक पद	समूह 'ख'
3.	स्तर 1 से 5 में वेतन मैट्रिक्स के धारित वेतन वाला एक पद	समूह 'ग'

स्पष्टीकरण – इस वर्गीकरण के उद्देश्य हेतु, पद के संबंध में ‘स्तर’ का अर्थ है – केंद्रीय सिविल सेवा (संशोधित वेतन) नियम, 2016 की अनुसूची के भाग-क की तीसरी पंक्ति में विनिर्दिष्ट स्तर, और –

3. साथ ही, भारतीय सुदूर संवेदन संस्थान (आई.आई.आर.एस.) के संबंध में अंतरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण तथा अपील) नियम, 1976 में संलग्न विद्यमान अनुसूची में, जहाँ भारतीय सुदूर संवेदन संस्थान में समूह प्रधान का पद मौजूद है, वह प्रधान, कार्मिक एवं सामान्य प्रशासन / प्रधान लेखा एवं आंतरिक वित्त सलाहकार के रूप में प्रतिस्थापित किया जाएगा।

[सं. ई. 14015/1/2012-IV]

एस. कुमारास्वामी, संयुक्त सचिव

नोट: प्रधान नियम दिनांक 01.04.1976 के भारत के राजपत्र (असाधारण) भाग II, खंड 3, उपखंड (ii) में दिनांक 01.04.1976 के सं. एस.ओ. 270(स्था.) में प्रकाशित थे और तदुपरांत निम्नलिखित द्वारा संशोधित किए गए हैं:-

Sl. No.	Notification No.	Date	S.O. No.	Date
1.	2/10(32)/76-I	10.02.1977	780	12.03.1977
2.	2/10(32)/76-I	16.05.1977	2127	25.06.1977
3.	2/10(27)/76-I	01.08.1977	2709	27.08.1977
4.	2/7(5)/77-I	15.02.1978	585	25.02.1978
5.	2/7(5)/77-I	27.05.1978	1780	17.06.1978
6.	2/9(12)/74-III	16.03.1979	1178	07.04.1979
7.	9/4(1)/80-III	26.05.1980	1684	21.06.1980
8.	9/4(1)/80-III	05.09.1980	2586	27.09.1980
9.	9/4(1)/80-III	13.10.1980	3299	29.11.1980
10.	9/4(1)/80-III	13.10.1980	3300	29.11.1980
11.	9/4(1)/80-III	20.12.1980	215	17.01.1981
12.	2/8(1)/81-I	28.08.1981	2592	03.10.1981
13.	2/8(1)/81-I	16.07.1982	3113	04.09.1982
14.	2/9(1)/83-I(V)	29.07.1985	4280	14.09.1985
15.	2/5(1)/85-V	02.01.1986	510	08.02.1986
16.	2/9(1)/83-I(V)	02.01.1986	511	08.02.1986
17.	2/5(1)/86-V	17.03.1986	1309	29.03.1986
18.	2/5(2)/86-V	20.10.1986	3874	15.11.1986
19.	2/5(1)/90-VI	01.01.1991	99	09.02.1991
20.	2/5(2)/86-V(VI)(Vol.III)	15.11.1991	334	01.02.1992
21.	2/5(1)/91-VI	23.10.1992	2891	21.11.1992
22.	2/5(1)/95-V	24.03.1995	1029	15.04.1995
23.	2/5(1)/91-V	12.10.1995	2856	28.10.1995
24.	2/5(1)/91-V	27.03.1996	1241	20.04.1996
25.	2/5(1)/95-V	23.12.1997	83	10.01.1998
26.	2/5(1)/98-V	30.06.2000	1763	05.08.2000
27.	2/5(1)/98-V	27.12.2000	34	13.01.2001
28.	2/5(1)/98-V	24.01.2001	254	10.02.2001
29.	2/5(1)/98-V	18.03.2004	804	28.03.2004
30.	4/5/1/2004-V	22.06.2005	2489	16.07.2005
31.	4/5/1/2004-V	31.01.2006	544	11.02.2006
32.	4/5/1/2004-V	20.11.2007	3434	08.12.2007
33.	4/5/1/2004-V	01.09.2008	2760	04.10.2008
34.	4/5/1/2004-V	21.05.2009	1538(E)	23.06.2009
35.	E.14015/1/2012-IV	06.03.2013	830(E)	26.03.2013
36.	E.14015/1/2012-IV	04.10.2017	424(E)	30.01.2018

DEPARTMENT OF SPACEBangalore, the 25th January, 2019

S.O. 229.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules further to amend the Department of Space Employees' (Classification, Control and Appeal) Rules, 1976, namely:-

1) These rules may be called the Department of Space Employees' (Classification, Control and Appeal) Amendment Rules, 2019.

2) They shall come into force on the date of their publication in the Official Gazette.

2. The existing 'Classification of Civil Posts under Department of Space' shall be substituted as under:

S.No.	Description of posts (2)	Classification of posts (3)
1.	A Post carrying the pay in the Pay Matrix at the Level from 10 to 18	Group A
2.	A Post carrying the pay in the Pay Matrix at the Level from 6 to 9	Group B
3.	A Post carrying the pay in the Pay Matrix at the Level from 1 to 5	Group C

Explanation – For the purpose of this classification, 'Level' in relation to a post means, the Level specified in third row of Part-A of the Schedule to the Central Civil Services (Revised Pay) Rules, 2016, and -

3. Further, in the existing Schedule appended to the Department of Space Employees' (Classification, Control and Appeal) Rules, 1976 in respect of Indian Institute of Remote Sensing (IIRS), where the designation of Group Head exists under Indian Institute of Remote Sensing, it shall be substituted by "Head, Personnel & General Administration / Head, Accounts & IFA".

[No. E. 14015/1/2012-IV]

S. KUMARASWAMY, Jt. Secy.

Note: The Principal rules were published vide No.S.O.270(E) dated 01.04.1976 in the Gazette of India (Extraordinary) Part II, Section 3, Sub-Section(ii) dated 01.04.1976 and have been subsequently amended by:-

Sl. No.	Notification No.	Date	S.O. No.	Date
1.	2/10(32)/76-I	10.02.1977	780	12.03.1977
2.	2/10(32)/76-I	16.05.1977	2127	25.06.1977
3.	2/10(27)/76-I	01.08.1977	2709	27.08.1977
4.	2/7(5)/77-I	15.02.1978	585	25.02.1978
5.	2/7(5)/77-I	27.05.1978	1780	17.06.1978
6.	2/9(12)/74-III	16.03.1979	1178	07.04.1979
7.	9/4(1)/80-III	26.05.1980	1684	21.06.1980
8.	9/4(1)/80-III	05.09.1980	2586	27.09.1980
9.	9/4(1)/80-III	13.10.1980	3299	29.11.1980
10.	9/4(1)/80-III	13.10.1980	3300	29.11.1980
11.	9/4(1)/80-III	20.12.1980	215	17.01.1981
12.	2/8(1)/81-I	28.08.1981	2592	03.10.1981
13.	2/8(1)/81-I	16.07.1982	3113	04.09.1982
14.	2/9(1)/83-I(V)	29.07.1985	4280	14.09.1985
15.	2/5(1)/85-V	02.01.1986	510	08.02.1986
16.	2/9(1)/83-I(V)	02.01.1986	511	08.02.1986
17.	2/5(1)/86-V	17.03.1986	1309	29.03.1986
18.	2/5(2)/86-V	20.10.1986	3874	15.11.1986
19.	2/5(1)/90-VI	01.01.1991	99	09.02.1991
20.	2/5(2)/86-V(VI)(Vol.III)	15.11.1991	334	01.02.1992
21.	2/5(1)/91-VI	23.10.1992	2891	21.11.1992

22.	2/5(1)/95-V	24.03.1995	1029	15.04.1995
23.	2/5(1)/91-V	12.10.1995	2856	28.10.1995
24.	2/5(1)/91-V	27.03.1996	1241	20.04.1996
25.	2/5(1)/95-V	23.12.1997	83	10.01.1998
26.	2/5(1)/98-V	30.06.2000	1763	05.08.2000
27.	2/5(1)/98-V	27.12.2000	34	13.01.2001
28.	2/5(1)/98-V	24.01.2001	254	10.02.2001
29.	2/5(1)/98-V	18.03.2004	804	28.03.2004
30.	4/5/1/2004-V	22.06.2005	2489	16.07.2005
31.	4/5/1/2004-V	31.01.2006	544	11.02.2006
32.	4/5/1/2004-V	20.11.2007	3434	08.12.2007
33.	4/5/1/2004-V	01.09.2008	2760	04.10.2008
34.	4/5/1/2004-V	21.05.2009	1538(E)	23.06.2009
35.	E.14015/1/2012-IV	06.03.2013	830(E)	26.03.2013
36.	E.14015/1/2012-IV	04.10.2017	424(E)	30.01.2018

बैंगलूरु, 8 फरवरी, 2019

का.आ. 230.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में एतद्वारा अंतरिक्ष विभाग के निम्नलिखित कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

क्षेत्रीय सुदूर संवेदन केंद्र – पश्चिम (आर.आर.एस.सी.-प.)

बाई पास रोड, सेक्टर – 9,
कुड़ी भगतासनी हाउसिंग बोर्ड,
जोधपुर (राजस्थान) - 342 005

[सं. 8/1/10/2011-हि.]

के.वी. रमणा बाबू, अवर सचिव

Bangalore, the 8th February, 2019

S.O. 230.—In pursuance of Sub-rule (4) of the Rule 10 of the Official Language (use for official purpose of the Union) Rule, 1976, the Central Government, hereby notifies the following Office of the Department of Space, whereof more than 80 percent staff have acquired the working knowledge of Hindi.

Regional Remote Sensing Centre – West (RRSC-W)
Bypass Road, Sector-9,
Kudi Bhagtasani Housing Board,
Jodhpur (Rajasthan) - 342 005

[No. 8/1/10/2011-H.]

K.V. RAMANA BABU, Under Secy.

इस्पात मंत्रालय

तई दिल्ली, 1 फरवरी, 2019

का.आ. 231.—सार्वजनिक परिसर (अनाधिकृत रूप से रहने वाले लोगों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के इस्पात मंत्रालय की अधिसूचना संख्यांक एस.ओ. 1483 दिनांक 14 जून, 2001 जो भारत के राजपत्र में दिनांक 30 जून, 2001 को प्रकाशित है, को अधिक्रमित करते हुए, उन वातों के सिवाय जिन्हें ऐसे अधिक्रमण से पहले किया गया है या करने का लोप किया गया है, केंद्र सरकार, नीचे दी गई सारणी के स्तम्भ (1) में वर्णित अधिकारी, जो भारत सरकार के राजपत्रित अधिकारी के समतुल्य श्रेणी के अधिकारी हैं, को उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है, जो सारणी के स्तम्भ (2) में विवरित सरकारी स्थानों के सम्बन्ध में अपने अधिकार क्षेत्र की स्थानीय सीमाओं में उक्त अधिनियम के तहत या उसके द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सम्पदा कार्यालयों को सौंपे गए कर्तव्यों का पालन करेंगे:-

सारणी

क्र.सं.	अधिकारी का पदनाम	सरकारी स्थानों की श्रेणियां और अधिकार क्षेत्र की सीमाएं
1.	सहायक महाप्रबंधक, उपमहाप्रबंधक, नगर प्रशासन विभाग, मैसर्स राष्ट्रीय इस्पात निगम लिमिटेड का सामान्य प्रशासन विभाग और विधि विभाग	मैसर्स राष्ट्रीय इस्पात निगम लिमिटेड, जिला विशाखापट्टनम, आन्ध्र प्रदेश से संबंधित परिसर या उनके प्रशासनिक नियंत्रणाधीन आने वाले परिसर।
2.	सहायक महाप्रबंधक (खान), उप-महाप्रबंधक (खान), खान विभाग।	मैसर्स राष्ट्रीय इस्पात निगम लिमिटेड से संबंधित या उसके प्रशासनिक नियंत्रणाधीन आने वाले परिसर जो इन ग्रामों में स्थित है:- (क) आंध्र-प्रदेश के कृष्णा जिले में स्थित बुदवाड़ा, कोटवारी, अग्रहारम, मुक्तेश्वरपुरम; और (ख) तेलंगाना राज्य के खम्मम जिला स्थित माधाराम, कारेपल्ली और महबूबाबाद जिला स्थित पोचाराम, सिरिपुरम।

[फा. सं. 10(13)/2018-वीएसपी]

नीरज अग्रवाल, निदेशक

MINISTRY OF STEEL

New Delhi, the 1st February, 2019

S.O. 231.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), and in supersession of the notification of Government of India in the then Ministry of Steel number S.O.1483, dated the 14th June, 2001, published in the Gazette of India, dated the 30th June, 2001, except as respects the things done or omitted to be done before such supersession, the Central Government hereby appoints the officers mentioned in column (1) of the table below, being officers of the corporate authority equivalent to the rank of gazetted officer of the Government of India to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate offices by or under the said Act within the local limits of his jurisdiction and in respect of the public premises specified in the corresponding entry in column(2) of the said table:-

TABLE

Sl.No.	Designation of officers	Categories of Public premises and local limits
	(1)	(2)
1.	Assistant General Manager, Deputy General Manager in Town Administration Department, General Administration Department and Law Department of M/s Rashtriya Ispat Nigam Limited.	Premises belonging to and under the administrative control of M/s Rashtriya Ispat Nigam Limited, situated in Visakhapatnam District in the State of Andhra Pradesh.
2.	Assistant General Manager(Mines), Deputy General Manager(Mines) of Mines Department	Premises belonging to and under the administrative control of M/s Rashtriya Ispat Nigam Limited, situated in villages :- (a) Budawada, Kothavari Agraaharam, Mukteshwarpuram in

	Krishna District in the State of Andhra Pradesh; and (b) Madharam, Karepalli in Khammam District and Pocharam,Siripuram in Mahabubabad District in the State of Telangana.
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[F. No. 10(13)/2018-VSP]

NEERAJ AGRAWAL, Director

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 8 फरवरी, 2019

का.आ. 232.—केंद्रीय सरकार, तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की धारा 3 की उपधारा (3) (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री प्रबेन्द्र कुमार, महासचिव, श्रमिक विकास परिषद, बरौनी रिफाइनरी, आईओसीएल को दिनांक 20.01.2019 से 19.01.2021 तक या अगले आदेश होने तक, जो भी पहले हो, तेल उद्योग विकास बोर्ड का सदस्य नियुक्त करती है।

[फा. सं. जी-38011/41/2016-वित्त-I]

पेरिन देवी, निदेशक

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 8th February, 2019

S.O. 232.—In exercise of the Powers conferred by Sub-Section (3)(d) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints Sh. Prabendra Kumar, General Secretary, Shramik Vikas Parishad, Barauni Refinery, IOCL as a member of the Oil Industry Development Board w.e.f. 20.01.2019 to 19.01.2021 or until further orders, whichever is earlier.

[F. No. G-38011/41/2016-Fin.-I]

PERIN DEVI, Director

नई दिल्ली, 8 फरवरी, 2019

का. आ. 233.—केंद्रीय सरकार, तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की उपधारा (3) (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा डा.एस. एस. वी. रामकुमार, निदेशक (आरएडडी), आईओसीएल को 01.02.2019 से 31.01.2021 तक या अगले आदेश होने तक, जो भी पहले हो, तेल उद्योग विकास बोर्ड का सदस्य नियुक्त करती है।

[फा. सं.जी-38011/41/2016-वित्त-I]

पेरिन देवी, निदेशक

New Delhi, the 8th February, 2019

S.O. 233.—In exercise of the Powers conferred by Sub-Section (3)(d) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints Dr. SSV Ramakumar, Director (R&D), IOCL as a member of the Oil Industry Development Board w.e.f. 01.02.2019 to 31.01.2021 or until further orders, whichever is earlier.

[F. No. G-38011/41/2016-Fin.-I]

PERIN DEVI, Director

नई दिल्ली, 8 फरवरी, 2019

का. आ. 234.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक कि कच्चे तेल के परिवहन के लिए एक पाइपलाइन, हल्दिया-बरौनी पाइपलाइन सिस्टम्स परियोजना के तहत, पश्चिम बंगाल राज्य में हल्दिया से बिहार राज्य में बरौनी तक, इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन विद्धाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन विद्धाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन विद्धाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइंस (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 कि उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के अन्दर, भूमि के भीतर पाइपलाइन विद्धाये जाने हेतु उपयोग के अधिकार के अर्जन के लिए, श्री अजय सिंह बड़ाईक (झा. प्र. से.), सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, हल्दिया-बरौनी पाइपलाइन सिस्टम प्रोजेक्ट, देवघर पैलेस, तीसरा तल, वी.आई.पी चौक, देवघर -814112 (झारखण्ड)।

अनुसूची					
जिला : देवघर		राज्य : झारखण्ड			
वंचल	गाँव	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एकर	बर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
देवघर	सरसा - 226	823	00	00	46
		822	00	00	50
		821	00	02	22
		824	00	00	20
		825	00	01	50
		351	00	01	25
		1208	00	06	09
		1176	00	01	09
		1175	00	00	96
		918	00	06	73
		942	00	00	78
		1168	00	00	55
		943	00	01	01
		944	00	00	88
		946	00	00	25
		947	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
देवघर	सरसा - 226	948	00	02	73
		949	00	00	67
		950	00	03	40
		951	00	00	93
		1042	00	02	37
		1043	00	01	14
		1045	00	01	11
		1044	00	01	49
		1046	00	03	86
		1034	00	00	63
		1033	00	03	31
		1032	00	00	20
		1031	00	00	51
		1023	00	01	27
		1022	00	01	28
		1021	00	01	30
		1020	00	01	93
		1019	00	01	84
		1409	00	00	30
		1408	00	01	22
		1407	00	01	19
		1018	00	01	65
		1008	00	05	23
देवघर	कुशमाहा - 222	890	00	05	78
		893	00	00	20
		892	00	08	38
		853	00	00	71
		858	00	05	17
		859	00	00	77
		860	00	01	78
		952	00	00	20
		833	00	01	76
		934	00	00	59
		935	00	01	10
		824	00	02	50
		825	00	02	05
		983	00	00	20
		826	00	02	09
		822	00	00	68

(1)	(2)	(3)	(4)	(5)	(6)
देवघर	कुशमाहा - 222	827	00	00	20
		798	00	05	37
		796	00	01	86
		781	00	00	20
		797	00	01	52
		800	00	00	83
		931	00	01	72
		780	00	02	26
		779	00	05	68
		753	00	00	64
		778	00	00	62
		751	00	02	59
		754	00	01	30
		755	00	05	83
		748	00	02	24
		750	00	07	24
		728	00	02	01
देवघर	बंधा केन्दुआ – 216	598	00	02	56
		597	00	00	21
		596	00	06	80
		595	00	02	97
		594	00	03	43
		593	00	04	95
		540	00	00	20
		563	00	10	81
		562	00	01	04
		566	00	00	20
		567	00	04	58
		569	00	00	20
		570	00	01	28
		571	00	01	28
		573	00	07	20
		583	00	01	90
		576	00	03	96
		579	00	01	65
		578	00	02	29
		577	00	05	56
		511	00	04	05
		604	00	00	49

(1)	(2)	(3)	(4)	(5)	(6)
देवघर	बंधा केन्दुआ – 216	510	00	00	89
		513	00	09	48
		514	00	08	28
		393	00	11	74
		394	00	06	85
		395	00	06	89
		366	00	05	32
		364	00	00	30
		365	00	06	54
		350	00	02	56
		351	00	02	06
		349	00	00	50
		620	00	02	44
		299	00	02	87
		327	00	05	94
		304	00	01	99
		301	00	04	43
		300	00	04	62
		295	00	01	35
		294	00	07	85
		305	00	05	53
		12	00	06	90
		13	00	02	90
		19	00	00	20
		15	00	03	20
		17	00	03	60
		18	00	00	22
		28	00	11	66
		27	00	00	21
		48	00	03	14
		608	00	01	81
		49	00	02	45
		60	00	03	68
		59	00	01	97
		65	00	03	86
		64	00	02	07
		66	00	04	82
		69	00	01	86
		70	00	02	45

(1)	(2)	(3)	(4)	(5)	(6)
देवघर	बंधा केन्दुआ - 216	618	00	03	15
		68	00	05	73
		1	00	11	54
		76	00	00	46
देवघर	गड्जोरा- 06	17	00	00	73
		1176	00	00	64
		1171	00	00	53
		15	00	00	20
		1170	00	02	94
		1172	00	00	71
		1177	00	01	38
		16	00	00	96
		1155	00	03	10
		20	00	00	40
		1150	00	00	77
		55	00	01	16
		66	00	24	65
		54	00	09	64
		1229	00	07	76
		49	00	19	54
		50	00	00	76
		48	00	02	47
		35	00	00	24
		1228	00	10	84
		36	00	11	60
		37	00	00	20
		39	00	01	02
		38	00	01	06
		25	00	03	67
देवघर	केननकाठी- 06	23	00	01	94
		98	00	06	67
मोहनपुर	हरकटा - 678	68	00	10	53
		67	00	11	32
		69	00	03	93
		66	00	05	22
		65	00	12	16
		64	00	02	07
		63	00	01	05
		61	00	04	88

(1)	(2)	(3)	(4)	(5)	(6)
मोहनपुर	हरकटा - 678	34	00	00	22
		13	00	02	88
		33	00	00	92
		14	00	04	15
		12	00	00	20
		11	00	00	81
		15	00	03	34
		13/656	00	02	84
मोहनपुर	कुसमा टिल्हा - 680	58	00	06	55
		59	00	02	66
		56	00	00	20
		55	00	02	07
		52	00	02	17
		51	00	02	77
		50	00	00	81
		47	00	11	45
		46	00	15	56
		45	00	06	04
		44	00	01	20
मोहनपुर	घोडमारा - 422	250	00	13	51
मोहनपुर	मेदनी डीह - 681	493	00	04	77
		492	00	02	05
		528	00	01	42

[फा. सं. आर-11025(11)/21/2018-जोआर-I/ई-27764]

नोवस किन्डो, अवर सचिव

New Delhi, the 8th February, 2019

S. O. 234.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil ,a pipeline from Haldia in the state of West Bengal to Barauni in the State of Bihar under Haldia-Barauni Pipeline Systems Project, should be laid by Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty-one days from the date on which copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Ajay Singh Baraik, JAS, Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Pipeline Systems Project, Deoghar Palace,3rdFloor ,VIP Chowk,Deoghar-814112 (Jharkhand).

SCHEDULE

District : DEOGHAR			State : JHARKHAND		
Anchal	Village	Survey No.	Area		
			Hectare	Are	Square Metre

(1)	(2)	(3)	(4)	(5)	(6)
Deoghar	Sarsa - 226	823	00	00	46
		822	00	00	50
		821	00	02	22
		824	00	00	20
		825	00	01	50
		351	00	01	25
		1208	00	06	09
		1176	00	01	09
		1175	00	00	96
		918	00	06	73
		942	00	00	78
		1168	00	00	55
		943	00	01	01
		944	00	00	88
		946	00	00	25
		947	00	00	20
		948	00	02	73
		949	00	00	67
		950	00	03	40
		951	00	00	93
		1042	00	02	37
		1043	00	01	14
		1045	00	01	11
		1044	00	01	49
		1046	00	03	86
		1034	00	00	63
		1033	00	03	31
		1032	00	00	20
		1031	00	00	51
		1023	00	01	27
		1022	00	01	28
		1021	00	01	30
		1020	00	01	93
		1019	00	01	84
		1409	00	00	30
		1408	00	01	22

(1)	(2)	(3)	(4)	(5)	(6)
Deoghar	Sarsa - 226	1407	00	01	19
		1018	00	01	65
		1008	00	05	23
Deoghar	Kusmaha -222	890	00	05	78
		893	00	00	20
		892	00	08	38
		853	00	00	71
		858	00	05	17
		859	00	00	77
		860	00	01	78
		952	00	00	20
		833	00	01	76
		934	00	00	59
		935	00	01	10
		824	00	02	50
		825	00	02	05
		983	00	00	20
		826	00	02	09
		822	00	00	68
Deoghar	Bandh Kendua -216	827	00	00	20
		798	00	05	37
		796	00	01	86
		781	00	00	20
		797	00	01	52
		800	00	00	83
		931	00	01	72
		780	00	02	26
		779	00	05	68
		753	00	00	64
		778	00	00	62
		751	00	02	59
Deoghar	Bandh Kendua -216	754	00	01	30
		755	00	05	83
		748	00	02	24
		750	00	07	24
		728	00	02	01
		598	00	02	56
		597	00	00	21
		596	00	06	80
		595	00	02	97
		594	00	03	43

(1)	(2)	(3)	(4)	(5)	(6)
Deoghar	Bandh Kendua -216	593	00	04	95
		540	00	00	20
		563	00	10	81
		562	00	01	04
		566	00	00	20
		567	00	04	58
		569	00	00	20
		570	00	01	28
		571	00	01	28
		573	00	07	20
		583	00	01	90
		576	00	03	96
		579	00	01	65
		578	00	02	29
		577	00	05	56
		511	00	04	05
		604	00	00	49
		510	00	00	89
		513	00	09	48
		514	00	08	28
		393	00	11	74
		394	00	06	85
		395	00	06	89
		366	00	05	32
		364	00	00	30
		365	00	06	54
		350	00	02	56
		351	00	02	06
		349	00	00	50
		620	00	02	44
		299	00	02	87
		327	00	05	94
		304	00	01	99
		301	00	04	43
		300	00	04	62
		295	00	01	35
		294	00	07	85
		305	00	05	53
		12	00	06	90
		13	00	02	90
		19	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
Deoghar	Bandh Kendua -216	15	00	03	20
		17	00	03	60
		18	00	00	22
		28	00	11	66
		27	00	00	21
		48	00	03	14
		608	00	01	81
		49	00	02	45
		60	00	03	68
		59	00	01	97
		65	00	03	86
		64	00	02	07
		66	00	04	82
		69	00	01	86
		70	00	02	45
		618	00	03	15
		68	00	05	73
		1	00	11	54
		76	00	00	46
Deoghar	Garjora-6	17	00	00	73
		1176	00	00	64
		1171	00	00	53
		15	00	00	20
		1170	00	02	94
		1172	00	00	71
		1177	00	01	38
		16	00	00	96
		1155	00	03	10
		20	00	00	40
		1150	00	00	77
		55	00	01	16
		66	00	24	65
		54	00	09	64
		1229	00	07	76
		49	00	19	54
		50	00	00	76
		48	00	02	47
		35	00	00	24
		1228	00	10	84
		36	00	11	60
		37	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
Deoghar	Garjora-6	39	00	01	02
		38	00	01	06
		25	00	03	67
Deoghar	Kenankathi - 7	23	00	01	94
		98	00	06	67
Mohanpur	Harkata - 678	68	00	10	53
		67	00	11	32
		69	00	03	93
		66	00	05	22
		65	00	12	16
		64	00	02	07
		63	00	01	05
		61	00	04	88
		34	00	00	22
		13	00	02	88
		33	00	00	92
		14	00	04	15
		12	00	00	20
		11	00	00	81
		15	00	03	34
		13/656	00	02	84
Mohanpur	Kusma Tilha - 680	58	00	06	55
		59	00	02	66
		56	00	00	20
		55	00	02	07
		52	00	02	17
		51	00	02	77
		50	00	00	81
		47	00	11	45
		46	00	15	56
		45	00	06	04
		44	00	01	20
Mohanpur	Ghormara - 422	250	00	13	51
Mohanpur	Mednidih - 681	493	00	04	77
		492	00	02	05
		528	00	01	42

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 10 जनवरी, 2019

का.आ. 235.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स प्रबंधन, सेंट्रल पब्लिक वर्कर्स कोलकाता, और अन्य एवं उनके कर्मचारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 25/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 3.12.18 को प्राप्त हुए थे।

[सं. एल-42011/167/2013-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 10th January, 2019

S.O. 235.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/2014) of the Central Government Industrial Tribunal cum-Labour Court Kolkata, as shown in the Annexure, in the Industrial dispute between the employers in relation to the Management of Central Public Works Kolkata, and others, and their workmen which were received by the Central Government on 3.12.18.

[No. L-42011/167/2013-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 25 of 2014

Parties: Employers in relation to the management of Central Public Works Department

AND

Their workmen

Present: Justice Ravindra Nath Mishra, Presiding Officer

Appearance:

On behalf of the Management : None

On behalf of the Workmen : Mr. R. Das, learned counsel with Mr. J. Majumder, learned counsel

Dated: 27th November, 2018

Industry: CPWD

AWARD

By Order No.L-42011/167/2013-IR(DU) dated 28.02.2014 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) referred the following dispute to this Tribunal for adjudication:

“Whether decision of CPWD EZ-I and CPWD EZ-III in not making reimbursement of Bonus to the Contractors for which contract labourers are deprived for payment of bonus and as such payment of bonus to the workmen of contractors as demanded by the union is legal and/or justified? If not, to what relief the contract labourers are entitled to?”

2. Brief facts as it appear from the statement of claims filed by the union are that the workmen were deprived of the benefit of bonus since long though they were working in perennial nature of work in the department of CPWD. According to the union contractors changed, but the workmen remained unchanged and were performing same and similar work at par with the permanent workmen of the establishment over a long period of time. A demand was raised regarding payment of bonus to the workmen of contractors, but the department did not accept reimbursement of bonus to the contractors for which contract labourers were deprived of. Therefore, at the behest of the union an industrial dispute crop up and referred by the Government of India to this Tribunal for decision in above terms. The union has claimed that there is employer an employee relationship between the workmen and the management of Central Public Workers Department. Therefore, the action of the management in denying reimbursement of bonus to the contractors for which contract labourers were deprived of is not justified and relief has been claimed for an Award in favour of the concerned workmen.

3. None appeared on behalf of the management though the union had already filed list of documents and list of witnesses alongwith statement of claims. As management did not appear despite sufficient service, case proceeded *ex parte*, but the union also did not appear on the date of hearing and adduced evidence to substantiate the claims made in the statement of claims.

4. Since the union at whose instance present reference has been made could not prove the case of the workmen, reference is liable to be answered in the affirmative that the decision of the department in not making reimbursement of bonus is legal and justified.

5. In the above circumstances, Award is passed accordingly.

Dated, Kolkata,
The 27th November, 2018

JUSTICE RAVINDRA NATH MISHRA, Presiding Officer

नई दिल्ली, 10 जनवरी, 2019

का.आ. 236.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स सिक्योरिटी इंटेलिजेंस सर्विस लिमिटेड कोलकाता (इंडिया), और अन्य एवं उनके कर्मचारी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, के कोलकाता पंचाट (संदर्भ संख्या 29/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 3.01.19 को प्राप्त हुए थे।

[सं. ए.ल-42012/108/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 10th January, 2019

S.O. 236—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 29/2015) of the Central Government Industrial Tribunal cum-Labour Court Kolkata, as shown in the Annexure, in the Industrial dispute between the employers in relation to the Security Intelligence Service (India) Ltd. Kolkata, and others, and their workmen which were received by the Central Government on 3.01.19.

[No. L-42012/108/2015-IR (DU)]

RAJENDRA JOSHI, Dy, Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 29 of 2015

Parties : Employers in relation to the management of M/s. Security Intelligence Service (India) Ltd.

AND

Their workmen

Present : Justice Ravindra Nath Mishra, Presiding Officer

Appearance:

On behalf of the Management : Mr. Arnab Mukherjee, learned counsel

On behalf of the Workmen : None

Dated: 24th December, 2018

Industry: IIT

AWARD

By Order No.L-42012/108/2015-IR(DU) dated 10.06.2015 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Security Intelligence Services (India) Ltd. in terminating the services of Shri Dinanath Mishra is illegal, arbitrary and violation of the Section 25F of ID Act, 1947? If yes, to what relief the workman is entitled?”

2. Brief facts in the background of which the above reference has come up for decision are that the workman was working as Security Guard in the Company since 14.12.2015, but all of a sudden Company dismissed him from service without any enquiry by refusing him employment.

3. When the case is taken up for hearing, learned counsel for M/s. Security Intelligence Services (India) Ltd. appeared but none appears either for workman or Indian Institute of Technology. It transpires from record that statement of claim has been filed by the workman for his reinstatement with full back wages. M/s. Security Intelligence Services (India) Ltd. has also filed written statement pleading inter alia that the workman was negligent in his duty. Therefore, he was transferred from IIT, Kharagpur where he again committed mistakes. It is also pleaded that he resigned from service on 07.11.2016 as per tripartite settlement. No rejoinder has been filed by the workman in rebuttal of written statement of the Company. Alongwith the written statement M/s. Security Intelligence Services (India) Ltd. has filed photo copy of memorandum of settlement, resignation letter of the workman and a draft for lumpsum amount paid to the workman. Workman is not appearing in the Tribunal for the last two dates inspite of sufficient service to dispute these documents. Hence there is no reason to disbelieve the resignation letter as well as the memorandum of settlement.

4. In the circumstances of the case, it appears that the matter has been settled between the parties after taking lumpsum amount by the workman. Hence no dispute exists.

5. An Award is passed accordingly.

Dated, Kolkata,
The 24th December, 2018

JUSTICE RAVINDRA NATH MISHRA, Presiding Officer

शुद्धिपत्र

नई दिल्ली, 5 फरवरी, 2019

का.आ. 237.—इस मंत्रालय की पूर्व समसंख्यक अधिसूचना दिनांक 26.6.2018 के क्रम में केन्द्रीय सरकार भारतीय पुरातत्व सर्वेक्षण के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, कानपुर के संशोधित पंचाट (संदर्भ संख्या 59/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4/2/2019 को प्राप्त हुआ था।

[सं. एल-42012/206/2005-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

पाद टिप्पणी : मूल अधिसूचना भारत के राजपत्र में, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, दिनांक 26.6.2018 के का.आ. 1012 द्वारा प्रकाशित की गई थी।

CORRIGENDUM

New Delhi, the 5th February, 2019

S.O. 237.—In Continuation of this Ministry's earlier Notification of even number dated 26.06.2018, the Central Government hereby publishes the amended Award (Ref. No. 59/2006) dated 21.01.2019 of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of Archaeological Survey of India and their workmen, received by the Central Government on 04.02.2019.

[No. L-42012/206/2005 – IR (CM-II)]

RAJENDER SINGH, Section Officer

Foot Note : The principal Notification, in pursuance of the Section 17 of the Industrial Disputes Act 1947(14 of 1947), was published in the Gazette of India vide Notification No. S.O. 1012 dated 26.06.2018.

ANNEXURE

**BEFORE SHRI SHUBHENDRA KUMAR, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOR COURT, KANPUR**

ID. No. 59/2006

Shri Ashok Kumar Singh, Vice President,
Rashtriya Mazdoor Congress(INTUC),
80, Lauries Complex,
Namner Chauraha,
AGRA(U.P)

Vs.

The Dy. Superintending Horticulturist,
Archeological Survey of India,
East Gate, Taj Mahal,
AGRA (U.P.)-

AWARD

1. Central Government, MOL & Emp., New Delhi, vide notification no.L-42012/206/2005-IR (CM-II) dated 08/08/2006 has referred the following dispute to this Tribunal for adjudication.
2. “Whether the action of the management of Archaeological Survey of India in refusing to employ and regularize to Shri Devendra and 5 others w.e.f their respective date of termination as per the list enclosed, is legal and justified? If not, to what relief the concerned workmen are entitled?”

S.No.	NAME OF THE WORKMAN	List of Workmen DATE OF TERMINATION
1.	SHRI DEVENDRA	01.04.2001
2.	SHRI SIRAJUDDIN	20.08.2004
3.	SHRI NARESH KUMAR	20.03.2003
4.	SHRI SURESH SINGH	20.03.2003
5.	SHRI PRAVENDRA KUMAR	20.03.2003
6.	SHRI SURESH CHANDRA	29.07.2004

Name Sri Suresh Kumar appearing at serial no.4 has been corrected as Suresh Singh vide order dated 27.11.2018 passed by PO, CGIT, Kanpur.

3. The case of union as setup on behalf of above named workers is that all the above workers were engaged in the month of June 1998, January 1999, April 1999, February 2000 and January 2001 as causal labor at monument at Fethpur Sikri to maintain the gardens where they continuously worked for more than 240 days in each year and thus they have attained a right to be regularized in the service of the management. The worker named in the list of employees as above were terminated from the dates given against their names but at the time of their termination provisions of section 25F of the act were not followed. Management has also breached provisions of 25H and 25G. It is also alleged that hundreds of employees junior to the workman where appointed by the management who are still in the service at different gardens of the management but their workers involved in the present dispute have been deprived from their work. It is further pleaded that from the year 1996 till date about 200 gardeners and chowkidars were given appointments through direct recruitment but workers have not been offered employment by the management. All the workers along with their family members are facing difficulty on account of their being jobless.

4. On the basis of above it is prayed by union that the concerned workers are entitled for their reinstatement in the service of the management as well as they are also entitled to be regularized in the service in the manner their colleagues were regularized in the service. It is also prayed that workers may also be granted wages for the period they remained out of employment.

5. Management has filed a very lengthy w/s but only such pleading will be detailed as are necessary for deciding present dispute.

6. By way of preliminary objection it is pleaded by the management that the case of workers is neither entertainable being beyond the jurisdiction of the Tribunal; that the claim of the worker is beyond the scope of reference order; that the office of the ASI, Horticulture division no. 1 Taj Mahal, Agra are responsible for maintenance and development of gardens around the National Protected Monument for improvement of Environment; that the present dispute is not Industrial dispute and suffer from the mis joinder of the parties as well as non-joinder of the parties; that as the workers

are not a workmen under the provision of section 2(s); that the present case is not a case of retrenchment hence provision of section 25F are not applicable.

7. On merit the management has pleaded that the person's name in the annexure of reference order had never been employed by the management as casual labor and they have never work on permanent and regular post of daily paid agricultural mazdoors. Daily paid mazdoors are engaged as per requirement in casual and seasonal work and the nature of work alleged to be performed by these workers are occasional and intermittent. It is admitted by management that daily paid casual mazdoors when required are engaged through open market for shorter period and their engagement comes to an end automatically on completion of work. That the claim of the workers are totally vague, concocted and without any basis. Management has also denied the continuous working of 240 days in any calendar year. On the basis of above the management has stated that the claim of the union with regard to the alleged worker is liable to be rejected being devoid of merit.

8. Union has not filed any rejoinder.

9. Worker Devendra has examined as WW1 and in his support WW2 Sirajudin has been examined. On behalf of management Shri Radhey Shyam Gupta has been examined as MW1.

10. Worker has filed several documents along with claim petition which are order of CAT passed in OA No. 425 of 2004,2/4-9 and regarding other documents he has filed copy of judgment of Hon'ble High Court and CAT in other cases. He has also filed list of candidates who have been appointed from 1986 till date, paper no. 2/23-27 and copies of advertisement issued by the management for different post.

11. Management has not filed any documentary evidence.

12. I have heard the parties and perused the record.

13. On the perusal of record it is found that the worker has moved an application for summoning original muster rolls from 1998 to August 2004 and has also summoned original payment vouchers for the same period which was allowed by my predecessor, but management failed to file summoned documents.

14. Authorized Representative of worker has contended that two witnesses were examined on behalf of worker and list of workers who were appointed w.e.f 1986 has also been filed where in at serial no. 120 it is mentioned that Shri Shiv Ram s/o Gajendra Singh has been appointed directly on 16.07.2004. It is also alleged that the witness examined by the management is of no use who in his cross examination has not replied the questions but he has simply stated that he has no knowledge of most of the facts of the case on which cross examination is made. Secondly muster roll and payment vouchers are not filed despite summoning from this Tribunal and for this the management witness has also stated that he has no knowledge why records are not filed. Under these circumstances the Tribunal is bound to take adverse inference against the management that had these documents being filed by the management it would prove the case of the worker therefore testimony of this witness cannot be believed as these witness has not answered questions put before him in his cross examination and he was totally ignorant about the facts of the case as also he has no knowledge about the facts of this case.

15. Now it is to be seen whether worker have proved their case; whether management have employed junior to these workers after respective date of termination and whether management has given any opportunity of re employment to these workers and lastly whether the management has followed the provisions of section 25F of the Act.

16. It is the specific case of the union that the workers named in the annexure to the reference order have been engaged by the management during the period 1998, 1999, 2000 and 2001 and almost all of them have completed 240 days in each calendar months preceding the date of their respective termination of service, their services have been terminated without any notice, notice pay and retrenchment compensation and also that hundreds of workers have been engaged by the management and these workers have not been given any opportunity of their reemployment in the service of the management. On the contrary management have stated that these workers have never been engaged by the management; there exists no dispute with regard to their engagement or disengagement; that these workers have never been paid any wages by the management etc. etc. and lastly when the management had never disengaged the workers from the service in such circumstances question of complying with the provisions of Industrial Disputes Act, does not arise at all.

17. W.W.2 Sri Devender in his examination in chief has categorically stated that all the workers were engaged by the management during the period 01.06.98 to 19.08.04 as casual laborers at Fatehpur Sikri, Agra, and they were engaged by Sri Radhey Shyam Foreman and that they have been disengaged by said Sri Radhey Shyam. Witness has also stated the nature of work performed by them. All of them were paid their wages month wise and their attendance was recorded on the muster rolls and at the time of their disengagement no notice, notice pay or retrenchment compensation was paid by the management. In his cross examination the witness has denied the suggestion of the management that they have not worked with the management and it is also wrong to suggest that all of them have not worked against regular and permanent post under the management. Witness has also stated that the works on which all of them have been engaged remains in existence for whole year.

18. W.W.1 Sirazuddin has also supported the version of w.w.2 and has specifically stated in his examination in chief that after his disengagement, management engaged by name Sonu and Ashok but this witness has not been cross examined on this point by the authorized representative for the management.

19. As the management witness has expressed his ignorance about the facts of this case in his evidence, therefore, his evidence has got no evidentiary value and as such cannot be believed.

20. The evidence adduced by the worker remains uncontested on the point that the management has not given any notice, notice pay and retrenchment compensation at the time of their disengagement which was necessary as the worker witness has proved the fact that they have been in continuous employment of the management, it has also been proved that the management after their disengagement have engaged new faces as is very much clear from paper no. 2/23-27, which is a list of candidate who were appointed by the management from 1986 till 06.04.05 and at serial no. 120 one Sri Shiv Ram son of Gajendra is mentioned who has been appointed by the management on 16.07.04 by way of direct recruitment.

21. The union therefore, has successfully established their case that these workers have been engaged by the management as casual labor, that they have not been given any notice, notice pay or retrenchment compensation at the time of their respective disengagement, that fresh hands were appointed by the management without providing any opportunity to re-employee these workers and that juniors to these workers have been made regular and permanent by the management at the posts from where they have been disengaged.

22. Therefore, the tribunal is of the view that the disengagements of the worker by the management is in breach of provisions of Section 25F, 25G and 25H of Industrial Disputes Act, 1947 and all of them are held entitled for their reinstatement in the service of the management from the date of their respective disengagement with continuity of service and with consequential benefits attached with the post.

23. So far back wages is concerned although the worker in their evidence has stated that they are facing serious financial crisis but has not stated even a single word that they are not gainfully employed anywhere else, hence considering this aspect of the matter the tribunal is not inclined to award any back wages to the workers.

24. Lastly question of regularization of the concerned workers in the service of the management is concerned, no doubt it has come in evidence of the worker that several persons have been made permanent and regularized in service who are alleged to have been engaged after the termination of their services, but the tribunal after giving its anxious consideration on this point is of the view that the tribunal should refrain in granting regularization of service of a worker as it is the sole responsibility of the management who after considering the medical fitness, suitability etc., takes decision as to whether he is fit to be regularized in the service or not. No doubt several new hands have been appointed by the worker and they were regularized by the management in the service, therefore, management is directed to consider the regularization of these workers within six months from the date of the publication of this award subject to fulfillment of the conditions required under rules.

25. Reference is answered accordingly in favor of the Union and against the management in the above terms.

SHUBHENDRA KUMAR, Presiding Officer

Note : Page No. 1 of the award amended vide order dated 27.11.2018. Let the amended award be sent to the Ministry for Notification accordingly.

नई दिल्ली, 6 फरवरी, 2019

का.आ. 238.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स जे एंड के मिनरलस लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर, 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 51/2017) को प्रकापित करती है, जो केन्द्रीय सरकार को 04.02.2019 को प्राप्त हुआ था।

[सं. एल-22012 / 97 / 2016-आई आर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 6th February, 2019

S.O. 238.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 51/2017) of the Cent.Govt.Indus.Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of M/s. J & K Minerals Limited and their workmen, received by the Central Government on 4.02.2019.

[No. L-22012/97/2016-IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

**IN THE COURT OF SH. AVTAR CHAND DOGRA, PRESIDING OFFICER-CUM-LINK OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, GOVERNMENT
PRESS EXTENSION BUILDING, SECTOR 18-A, CHANDIGARH-160018**

ID No. 51/2017

Sh. Bal Krishan and others, C/o Moghal/Metka Coal Mines Kalakote,
Rajouri Jammu (J&K).

... Workman

Versus

The Managing Director, J&K Minerals Limited,
Bahu Plaza, Jammu (J&K).

...Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide Letter No. L-22012/97/2016-IR(CM-II) dated 26.02.2018 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), for adjudication of a dispute, terms of which are as under:

“Whether the action of the management of J&K Minerals Limited representing through its Managing Director in denying (i) jobs to next kin who has died during the years 2002 to 2006, (ii) HRA to all workers, (iii) DPC benefits to all workers (iv) previous COLA arrears and (v) non-implementation of 6th Pay Commission is justified or not? If not, to what relief these workmen are entitled to and from which date?”

2. In the reference order, the appropriate Government commanded the party/ies raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant opted not to file his claim statement with the Tribunal.
3. On the receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained affected during the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the claimant is not interested in adjudication of the reference on merits.
4. Since the claimant has neither put in his appearance nor has he led any evidence so as to prove his cause against the managements, as such, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim Award’.

Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Place: Chandigarh

Dated: 19.11.2018

A.C. DOGRA, Presiding Officer-cum-Link Officer

नई दिल्ली, 7 फरवरी, 2019

का. आ. 239.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सीईएलईबीआई – एनएएस एअरपोर्ट सर्विसेस प्राइवेट लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/अम न्यायालय न. 2, मुम्बई के पंचाट (संदर्भ संख्या 35 / 2017) को प्रकापित करती है, जो केन्द्रीय सरकार को 31.01.2019 को प्राप्त हुआ था।

[सं. एल-11012/24/2017-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 7th February, 2019

S.O. 239.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.2, Mumbai (Ref. No. 35/2017) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CELEBI-NAS Airport services India Private Limited and their workmen, which was received by the Central Government on 31.01.2019.

[No. L-11012/24/2017-IR(CM-I)]

M.K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT :** M. V. Deshpande, Presiding Officer**REFERENCE NO .CGIT-2/35 of 2017****EMPLOYERS IN RELATION TO THE MANAGEMENT OF M/S. CELEBI-NAS AIRPORT SERVICES INDIA PVT. LTD.**

The Director,
 M/s. CELEBI-nas Airport Services India P. Ltd.,
 E8-3016, Level 3, New T2, Chhatrapati
 Shivaji International Airport, Sahar,
 Andheri [E], Mumbai – 400 099.

AND
THEIR WORKMEN

Shri Sachin Arjun Apte,
 Emp Code: CN 01300,
 1/16, Vilas Patkar Buildg., Opp. Apurva Hospital,
 Kopar Road, Dombivali [W], Thane,
 Thane – 421 202.

APPEARANCES:

FOR THE EMPLOYER : Shri Sanjay Dhulapkar Advocate

FOR THE WORKMEN : Mr. Anees Kazi Representative

Mumbai, dated the 3rd January, 2019

AWARD

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-11012/24/2017 – IR (CM-I) dated 06.11.2018. The terms of reference given in the schedule are as follows :

“Whether Shri Sachin Arjun Apte, Team Leader with M/s. CELEBI-nas Airport Services India Private Ltd. are workman under section 2 (s) of the ID Act, 1947 keeping in view their nature of duties performed by them ?”

2. If so, whether the action of the management of M/s. CELEBI-nas Airport Services India Private Ltd. in terminating the services of the workman concerned under ID Act, 1947 w.e.f. 20.11.2012 on the plea of reduction in the flight operation at their domestic locations, is just and proper ?

3. If not, what relief the workman concerned is entitled to ? ”

2. After the receipt of the reference, both the parties were served with the notices.

3. In view of this application, it appears that by giving separate order dt. 16.11.18 the matter is referred by giving separate reference number and therefore the present reference is to be disposed of.

4. Hence the reference is disposed of with no order as to costs.

ORDER

Reference is disposed of with no order as to costs.

Date: 03.01.2019

M.V. DESHPANDE, Presiding Officer

नई दिल्ली, 7 फरवरी, 2019

का. आ. 240.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स एवं इंडिया लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 43/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.1.2019 को प्राप्त हुआ था।

[सं. एल—11012/63/2006—आईआर (सीम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 7th February, 2019

S.O. 240.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai

(Ref. No. 43/2008) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Air India Limited and their workmen, which was received by the Central Government on 31.01.2019.

[No. L-11012/63/2006-IR(CM-I)]

M.K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT : M. V. Deshpande, Presiding Officer

REFERENCE NO.CGIT-2/43 of 2008

EMPLOYERS IN RELATION TO THE MANAGEMENT OF AIR INDIA LIMITED

The Chairman & Managing Director,
Air India Limited,
Air India Building,
Nariman Point,
Mumbai – 400 021.

AND

THEIR WORKMEN

Shri Vindo Ramachandran Keshavan,
C/o. Bipin Auto Mobile, Juhu Scheme,
5th Road, Nehru Nagar,
Vile Parle [West],
Mumbai – 400 056.

APPEARANCES:

FOR THE EMPLOYER : Shri L. L. D'Souza Representative

FOR THE WORKMEN : Mr. J. H. Sawant Advocate

Mumbai, dated the 16th January, 2019

AWARD

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-11012/63/2006 – IR (CM-I) dated 08.08.2008. The terms of reference given in the schedule are as follows :

“Whether the action of the Management of Mandvi Electric Works, Contractor of Air India Limited [now NACIL], Mumbai in dismissing the services of Shri Vinod Ramchandra Keshavan w.e.f. 10.08.1999 is justified and legal ? ii) To what relief is the concerned workman entitled ?”

2. After the receipt of the reference, both the parties were served with the notices.

3. In view of pursis Ex.15, it is stated that the present reference be disposed of since second party workman expired and legal heirs are not interested in prosecuting the case.

4. In view of this pursis, the reference is disposed of for want of evidence and since the legal heirs of the deceased second party workman are not interested in prosecuting the case with no order as to costs.

ORDER

Reference is disposed of for want of evidence and since the legal heirs of the deceased second party workman are not interested in prosecuting the case with no order as to costs.

Date: 16.01.2019

M.V. DESHPANDE, Presiding Officer

नई दिल्ली, 11 फरवरी, 2019

का. आ. 241.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स काण्डला पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 1026/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 11.02.2019 को प्राप्त हुआ था।

[सं. एल-37012/3/1996-आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 11th February, 2019

S.O. 241.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1026/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Kandla Port Trust and their workman, which was received by the Central Government on 11.02.2019.

[No. L-37012/3/1996-IR(M)]

D. K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad, Dated 28th January, 2019

Reference: (CGITA) No- 1026/2004

The Chairman,
Kandla Port Trust,
Administration, Post Box No. 50, Gandhidham,
Kutch (Gujarat) – 370201

...First Party

V/s

The General Secretary,
Transport and Dock Workers Union,
Room No. 21, Yogesh Building,
Plot No. 586, Ward No. 12, Gandhidham,
Kutch (Gujarat) – 370201

...Second Party

For the First Party : Shri K.V. Gadhia
For the Second Party : Shri N.H. Rathod

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37012/3/96-IR(M) dated 14.10.1996 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of Transport and Dock Workers Union, Gandhidham against the management of Kandla Port Trust that the benefit of the Kandla Port Trust Employees House Building Advance Special Family Benefit Fund Scheme 1992 published in the Gazette of India on 30.04.1992 be made applicable to Smt. Nandita Paul, widow of late Shri G.S. Paul, Ex-peon expired in the month of June 1992 and further that no recovery towards H.B.A. be made from his final dues is justified? If so, to what relief, the widow is entitled for and what directions are necessary in the matter?”

1. The reference dates back to 14.10.1996 and received on 19.10.1996 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.

2. After issuing notices to both the parties, the second party workwoman submitted the statement of claim Ex. 4 alleging that her husband was working as peon in Kandla Port Trust who was sanctioned a house loan of Rs.99450/- on 25.02.1991 and her husband died on 05.06.1992 while serving as Peon. The said loan is to be deducted within two years but could not be recovered due to sudden death of her husband. She has further alleged that on 29.04.1992, a government notification was published providing that in case of the death of a workman, the remaining amount of the loan shall be waived but the first party Kandla Port Trust refused to waive the said loan despite the fact that some other workmen’s loan have been waived in the similar circumstances.

3. The first party Kandla Port Trust submitted the written statement submitting that it is true that the Kandla Port Employees House Building Advance Special Family Benefit Fund Scheme, 1992 was published on 30.04.1992 but was given into effect in December, 1992. It is incorrect to say that the aforesaid scheme was applicable automatically in all cases because only those employees were eligible for the benefit of the said scheme where the subscription of the scheme has been commenced or paid by the employees under regulation 7 of the said scheme. It is true that the workman G.S. Paul was working as peon in Kandla Port Trust and took house building advance but he expired in the month of June, 1992. Therefore, he was not eligible for the benefit of said scheme as it was implemented from December, 1992.

The provisions of regulation 7 of the scheme are reproduced as under:

“Payment in the event of death while in service: In the case of an employee dying while in service, the entire amount due from him i.e. the principal and interest towards repayment of H.B.A. due thereon up to the date of his death, in full shall be reimbursed to the Port Trust Board by meeting the same from the fund provided the subscription to the scheme has been commenced and continued till the month of his death.”

The allegation of the second party that the scheme was implemented on 30.04.1992 is incorrect. The husband of the second party Shri G.S. Paul expired in June, 1992 immediately after disbursement of loan and no recovery was made from his salary, therefore, the regulation 7 of the scheme is not applicable in her case. Therefore, the reference has no force and liable to be dismissed.

4. On the basis of the pleadings, the following issues arise:

- i. Whether the demand of Transport and Dock Workers Union, Gandhidham against the management of Kandla Port Trust that the benefit of the Kandla Port Trust Employees House Building Advance Special Family Benefit Fund Scheme 1992 published in the Gazette of India on 30.04.1992 be made applicable to Smt. Nandita Paul, widow of late Shri G.S. Paul, Ex-peon expired in the month of June 1992 and further that no recovery towards H.B.A. be made from his final dues is justified?
- ii. To what relief, if any, the concerned workwoman is entitled?

5. **Issue No. i and ii:** As both the issues are interrelated, therefore, are decided together. The burden of proof of these issues lies on the second party workwoman who was examined (Ex.11) wherein she in her examination-in-chief reiterated the averments made in the statement of claim. In her cross-examination, she has stated that after the death of her husband, she was appointed on compassionate ground in the month of July or August, 1993. She does not recall the case of any other workmen wherein in the similar circumstances; the advance would have been waived.

6. I heard and considered the evidence oral and documentary of the parties. I also considered the regulation 7 of Scheme wherein in the case of death of a workman, the House Building Allowance ought to have been reimbursed by the Kandla Port Trust but said regulation is applicable only when it was made effective at the time when her husband died. In this case, firstly, the second party union has not submitted the death certificate of G.S. Paul, husband of Smt. Nandita Paul. Secondly, the regulation was published in the gazette on 30.04.1992 but as alleged by the first party; it was being made effective from December, 1992 by the Kandla Port Trust Board. Therefore, this Tribunal cannot decide the reference in favour of the second party i.e. Smt. Nandita Paul, the wife of deceased workman Late Shri G.S. Paul. But the scheme was published on 30.04.1992 which ought to have been made effective at the earliest being the social welfare scheme. However, it was implemented from the month of December, 1992 and in the mean time, the workman G.S. Paul died, therefore, it would not be appropriate and justified to deprive the family of the deceased workman of the said social welfare scheme for no fault of his own and it was a God’s act.

7. Thus the reference is finally disposed of with a direction to the first party Kandla Port Trust to reconsider the present case favourably by way of reasoned order within two (2) months from the date of publication of award.

8. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 फरवरी, 2019

का. आ. 242.— औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ.एन.जी.सी. लिमिटेड एवं अन्य के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 69/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 11.02.2019 को प्राप्त हुआ था।

[सं. एल-30012/42/2011-आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 11th February, 2019

S.O. 242.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 69/2012) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Limited and other and their workman, which was received by the Central Government on 11.02.2019.

[No. L-30012/42/2011-IR(M)]

D.K. HIMANSHU, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT cum Labour Court,
Ahmedabad, Dated 17th January, 2019

Reference: (CGITA) No. 69/2012

1. The Executive Director,
ONGC Ltd., Ankleshwar Project,
Ankleshwar (Gujarat)
2. The Director,
M/s. Central Investigation & Security Services,
F/10, Narmada Arcade, Old N.H. Highway,
Ankleshwar (Gujarat) – 393001 ...First Party

V/s

Mr. Jignesh Shashikant Sevak,
2, Vrindawan Bunglows, Behind GEB Office,
Ankleshwar (Gujarat) – 393001 ...Second Party

For the First Parties : Shri C.S. Naidu
For the Second Party : Shri M.H. Sanghrayat

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/42/2011-IR(M) dated 11.04.2012 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of M/s. Central Investigation & Security Services, Ankleshwar, a contractor of ONGC Ltd., Ankleshwar in terminating of Shri Jignesh Shashikant Sevak w.e.f. 19.01.2011 is legal and justified? What relief the workmen are entitled to?”

1. The reference dates back to 11.04.2012 and received on 01.05.2012 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.

2. After service of notice to the parties, the second party workman submitted the statement of claim Ex. 7 alleging that he joined the services of ONGC as contract employee of contractors I.F.F., C.I.S.S., Top Security and lastly C.I.S.F. without any vague. He served the aforesaid contractors for more than 240 days in each and every calendar year. On 08.01.2011, he suffered illness of swelling of liver but despite informing the contractors, his services were terminated without giving notice or notice pay. Thus he has prayed for reinstatement with back wages.

3. The first party ONGC submitted his written statement Ex. 8 alleging that the second party workman was a contract employee and ONGC has no liability with respect to the claim made by him.

4. The first party No. 2 M/s. Central Investigation & Security Services did not prefer to submit the written statement despite service therefore, the reference was ordered to proceed ex-parte against it.

5. The second party, on 03.10.2017 and 28.08.2018, requested adjournment vide application Ex. 9 and 10 respectively but even after granting adjournment twice, the second party workman did not prefer to lead evidence on 16.10.2018, 04.12.2018 and 20.12.2018 despite the fact that on 20.12.2018, the advocate for the second party sought 15 days time for leading evidence.

6. Thus it appears that the second party workman is not willing to prosecute the case.

7. Therefore, the reference is disposed of in the absence of the evidence of the second party workman with the observation as under: “the action of the management of M/s. Central Investigation & Security Services, Ankleshwar, a contractor of ONGC Ltd., Ankleshwar in terminating of Shri Jignesh Shashikant Sevak w.e.f. 19.01.2011 is legal and justified.”

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 फरवरी, 2019

का.आ. 243.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स दी न्यू इण्डिया एश्योरेंस कम्पनी लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुवंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ संख्या 536/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.02.2019 को प्राप्त हुआ था।

[सं. एल-17012/30/2004-आईआर(बी-1)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 11th February, 2019

S.O. 243.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 536/2005) of the Central Government Industrial Tribunal/Labour Court-2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. The New India Assurance Company Limited and their workman, which was received by the Central Government on 08.02.2019.

[No. L-17012/30/2004-IR(B-I)]

D.K. HIMANSHU, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH**

Present: Sh. A.K. Singh, Presiding Officer

ID No.536/2005

Registered on 22.08.2005

Sh. Jagdev Singh, S/o Sh. Kesar Singh, C/o Sh. K.S. Malhotra, 107,
Sough Model Gram, Ludhiana.

...Workman

Versus

The management of The New India Assurance Company Limited,
Regional Office Surya Tower, Mall Road, Ludhiana
(through its Regional Manager/Senior Divisional Manager).

... Management

AWARD

Passed on : 23.01.2019

Central Government vide Notification No. L-17012/30/2004-IR(B-I) Dated 15.03.2005, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the action of the management of The New India Assurance Co. Ltd., Ludhiana in terminating the services of Shri Jagdev Singh, Ex-Peon, w.e.f. 23.09.2003 without complying with the provisions of Section 25-F, G and H of the I.D. Act 1947 is just and legal? If not, so what relief the said workman is entitled to?”

1. The facts, in brief, are that Sh. Jagdev Singh, workman had joined the services of the management in the month of October, 1996 as Peon in the Branch Office, Campa Cola Chowk, Gill Road, Ludhiana and had been performing continuously duties of the subordinate staff and was entitled to the regular pay scale. But the management had illegally paid on daily rate basis at Rs.75/- and the work, for which the workman was employed, was of permanent nature. The service of the workman was terminated by the management on 23.09.2003. The services of the workman were terminated without issuing any show cause notice, charge-sheet and without any enquiry and without any notice pay. The workman had worked continuously from October, 1996 to 23.09.2003 i.e. till the date of termination. It is also alleged that even after the termination of the services of the workman, other persons were employed for the same job. It is further alleged that the payments used to be paid to the workman through vouchers on daily rate basis and sometimes wrong names were mentioned on vouchers and the petitioner was forced to sign the vouchers as filled up by the management. It is also alleged that juniors to the workman were retained in service and the management has violated the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 and the workman is entitled to be reinstated in service with full back wages.

2. Respondent-management filed written statement, denying the facts alleged in the claim petition except claimant's demand notice before the Assistant Labour Commissioner, Chandigarh and the case reference to the Hon'ble Court. It is pleaded that claimant has never been engaged as regular Peon by the respondent-management at any point of time. It is also alleged that neither any appointment letter nor any termination letter was issued by the respondent-management as claimant was not a regular employee of the management has his services were availed accordingly necessity and needs on a specific dates on the basis of daily wages. Respondent-management has pleaded that claimant used to supply of tea, cold drinks, snacks etc. to the staff members of the management-management by putting the tea stall at a space near staircase provided by the management in its office. It is further submitted that there did not exist relationship of employer and employee between the parties so question of issuance of notice under the Act before the termination is not required and claim petition of the workman is liable to be rejected.

3. In support of his case, the workman examined himself and filed his affidavit Ex.WW1, reiterating the case as set out in the claim petition.

4. On the other hand, respondent-management has examined Sh. Satnam Singh, Branch Manager who filed his affidavit Ex.R1 reiterating the case as set out in the written statement.

5. I have heard Sh. R.P. Rana, Ld. Counsel for the workman and Sh. Kumar Nikshep, Ld. Counsel for the management and perused the file carefully. Sh. R.P. Rana, learned counsel for the claimant strongly urged that workman has done service regularly with the management, who has not followed the principle of natural justice before terminating his service. It is also submitted that relationship of employer and employee existed between the two and burden lies on the management for adducing documents that claimant was not in the employment of the management since October, 1996. The learned counsel for the management has submitted that there existed no relationship of employer and employee or master and servant as claimant was daily-wager according to needs of management. It is also submitted by the learned counsel for the management that initially burden lies on the claimant to prove that he was employee even on daily-wages of the respondent-management and worked as Peon regularly for the aforesaid period.

6. The proposition of Law regarding the relation between workman and management is settled in catena of cases decided by the Hon'ble Supreme Court. In this regard, reference can be made to the decision in the case of **Devinder Singh Vs. Municipal Council, Sanaur, AIR 2011 Supreme Court 2532**, wherein the Hon'ble Apex Court while interpreting the provisions of Section 2(S) of the Act which deals with the definition of "workman" has observed as under:-

"The source of employment, the quantum of recruitment, the terms & conditions of employment/contract of service, the quantum of wages/pay and mode of payment are not at all relevant for deciding whether or not a person is a workman within the meaning of Section 2(S) of the Act. The definition of workman also does not make any distinction between full time and part time employee or a person appointed on contract basis. There is nothing in the plain language of Section 2(S) from which it can be inferred that only person employed on regular basis or a person employed for doing whole time job is a workman and the one employed on temporary, part time or contract basis on fixed wages or as a casual employee or for doing duty for fixed hours is not a workman."

It is clear from the perusal of aforesaid observations that even if a person is engaged on temporary, part time or contract basis or for doing any other kind of work and is duly paid wages for the said work, in that eventuality such a person would be covered by the definition of "workman" as provided in Section 2(S) of the Act. In these circumstances, the arguments advanced by the management-counsel has no force in the eye of law subject to proving that claimant was a daily-wager and rendered his services between 1996 to 2003 till his retrenchment or termination by the management.

7. There is no dispute about preposition of law that onus to prove that claimant was in the employment of management is always on the workman/claimant and it is for the workman to adduce evidence to prove factum of his employment with the management. Such evidence may be in form of receipt of salary or wages for 240 days or record of his appointment or engagement for that period to show that he has worked with the respondent-management for 240 days or more in a calendar year. In this regard, reference may be made to **Batala Coop. Sugar Mills Ltd. Vs. Sowaran Singh, (2005) 8 Supreme Court Cases 481 as well as Director Fisheries terminated Division Vs. Bhikubhai Meghajibhai Gavda(2012) 1 SCC 47.**

8. Question remains to be seen whether claimant has proved that he was engaged under management in the year October 1996 and regularly continued till his termination. This fact has to be proved by the documentary evidence as well as the oral evidence and certainly documentary evidence has better importance for the just decision of the case. At the very outset, it may be mentioned that there is only one document i.e. voucher dated 31.03.1999(Ex.R3)on record which has been proved by the claimant through his oral evidence. It could not be infer from this document alone that claimant was regular employee of the respondent-management from the year 1996 as alleged in the claim petition as well as affidavit filed by the claimant. In this connection, learned counsel for the claimant submitted that all the documents are in the possession of the respondent-management, who is duty bound to produce during the course of evidence before the Tribunal. Learned counsel for the respondent-management had drawn my attention towards the order of the Tribunal dated 14.05.2007, in which it is ordered by the Tribunal on the application moved by the claimant that looking the bundles of files of vouchers, claimant and his counsel are directed to visit the office of the respondent-management at Ludhiana and examined the record. It is submitted by the learned counsel for the management that in spite of the specific order by the Tribunal, claimant and his counsel did not bother to visit the office of the respondent-management for the perusal of the relevant record. So, in the light of the above order, claimant's-counsel argument has no force because Tribunal has given him opportunity to visit and perused the record, if any at Ludhiana in the head-office of the respondent-management, but this opportunity is not availed by the claimant. To my opinion, the argument of the learned counsel for the claimant has no force to the extent that respondent-management has not produced the documents of its custody.

9. Claimant Jagdev Singh has submitted his affidavit as evidence, who has been cross-examined by the management counsel at length. Claimant has accepted in his cross-examination that the post of Peon had not been advertised by the respondent-management. The evidence recorded during the course of cross-examination does not inspire the confidence of the Tribunal regarding the regular posting of the claimant from October 1996 till the termination. The affidavit, submitted by the claimant bears date 08.06.2006, in which he has mentioned himself as 29 years old, meaning thereby he should be about 19 years old at the time of the joining the service of the respondent-management as per his own assertion in the affidavit. The facts alleged in the claim petition reveals that he was appointed in the month of October 1996 while he has accepted in his cross-examination that appointment letter was issued by the respondent-management in the month of July 1997. He has specifically denied the suggestion of the management-counsel that no appointment letter was issued by the management for his regular appointment. Thus, accordingly, claimant's appointment letter has been issued by the respondent-management, but that is not produced by the claimant in the Tribunal, the reason best known to him for its non-production in spite of the statement given on Oath regarding the issuance of the appointment letter. It is also pertinent to mention that claimant has accepted during his cross-examination that termination letter was issued by the management but it is in the custody of the company. This statement is also not reliable as if any termination letter is issued by the respondent-management then it should be in the custody of the claimant.

10. Perusal of the cross-examination of the claimant emphasise that he was floating like anything during the cross-examination to the extent to make his evidence reliable regarding the service in the establishment of the respondent-management. He has stated in his cross-examination that he was registered in the Employment Exchange and his registration is renewed 6-7 times in the employment and ultimately his name was sponsored by the Employment-

Exchange. Question remains to be seen how he came in the contact of the management if, he was neither sponsored by the employment-exchange for the job nor he was tea fitter in the vicinity of the management-office as alleged by management. It is also relevant that if he renewed his name in the Employment-Exchange 6-7 times, further attaining majority then he should not be in the service of the respondent-management up to 24-25 years pertaining to the age mentioned in the affidavit. Thus, the evidence adduced by the claimant does not inspire confidence and it is either in contradiction of the facts alleged in the claim petition or affidavit or new evidence regarding the issuance of appointment letter or termination letter has been brought during the cross-examination to prove his version at any cost. Thus, oral evidence adduced by the claimant on Oath is not satisfactory and nothing has come during the course of cross-examination to prove the facts alleged in the claim petition.

11. Hon'ble Supreme Court in the case of **Range Forest Officer v. S.T. Hadimani**, [2002] 3 SCC 25 wherein it has held as follows:-

"In our opinion, the Tribunal was not right in placing the onus on the management without first determining on the basis of cogent evidence that the respondent had worked for more than 240 days in the year preceding his termination. It was the case of the claimant that he had so worked but his claim was so denied by the appellant. It was then for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. Filing of an affidavit is only his own statement in his favour and that cannot be regarded as sufficient evidence for any court or tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. No proof of receipt of salary or wages for 240 days or order or record of appointment or engagement for his period was produced by the workman. On this ground alone, the award is liable to be set aside."

12. Thus, on the basis of the above discussion, it is crystal-clear that the claim of the workman is unable to prove that he was engaged by the respondent-management in the month of October 1996 and remained in service till his termination. On the other hand, it is different case of the management that workman was engaged on daily-wage basis as per exigencies and his services were not of continuous. In the absence of the record available for regarding the appointment letter or termination letter as stated by the workman during the course of cross-examination, the stand taken by the management is correct and it cannot be said that workman worked continuously from October 1996 to till his termination. Since the workman was engaged from time to time on temporary basis, it cannot be said that he continuously worked for the period in question and since there is no violation of any provisions of law, as stated in reference, the workman is not entitled to any relief as be claimed.

13. In result, there is no merit in the reference and the same is decided accordingly, holding that the action of the respondent-management in terminating the services of the workman is legal and valid and he is not entitled to any relief and the reference is answered accordingly. Let copy of the this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

A.K. SINGH, Presiding Officer

नई दिल्ली, 11 फरवरी, 2019

का.आ. 244.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स ओ.एन.जी.सी. लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय-2, मुंबई के पंचाट (संदर्भ संख्या 84/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 05.02.2019 को प्राप्त हुआ था।

[सं. एल-30011/28/2009-आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 11th February, 2019

S.O.244.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 84/2009) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management
of
M/s. O.N.G.C. Limited and their workman, which was received by the Central Government on 05.02.2019.

[No. L-30011/28/2009-IR(M)]

D.K. HIMANSHU, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI**

PRESENT : M. V. Deshpande, Presiding Officer

REFERENCE NO.CGIT-2/84 of 2009**EMPLOYERS IN RELATION TO THE MANAGEMENT OF O. N. G. C. LTD.**

The Group General Manager [HR/ER],
O.N.G.C. Ltd.,
Western Offshore, 4th Floor, Exchange Plaza,
NSE Bldg., Bandra Kurla Complex,
Bandra [E], Mumbai – 400 051.

AND
THEIR WORKMEN

The Vice President,
Nhava Seva Port & General Workers' Union,
2nd floor, Port Trust Kamgar Sadan,
Nawab Tank Road, Mazgaon,
Mumbai – 400 010.

APPEARANCES:

FOR THE EMPLOYER : Shri R. V. Paranjpe Advocate

FOR THE WORKMEN : No Appearance

Mumbai, dated the 18th January, 2019

AWARD

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-30011/28/2009 – IR (M) dated 10.11.2009. The terms of reference given in the schedule are as follows :

“Whether the action of the management of Oil & Natural Gas Corporation Ltd., Mumbai in not sanctioning the applications submitted by 35 workmen [named in the list enclosed] for retirement under the Goodwill Package Scheme – 2007 as announced by ONGC for contract labourers as per the Notice dated 12.11.2007 and thus depriving them of the benefits of the scheme is legal and justified ? To what relief these 35 workmen are entitled?”

LIST OF WORKMEN

Sr. No.	Name
1.	V. Raja
2.	P. Sukumar
3.	E. Mani
4.	K. Ravichandran
5.	R. Annamalia
6.	Gangaram Ramkula Sing
7.	A. William
8.	M. Muthusamy
9.	P. Vettuperumal
10.	E. Raj
11.	A. Mariasusai
12.	Namdev Mokal
13.	K. P. Thakur
14.	Thivayanathan
15.	Phudhiram Douje Rajbhar
16.	Harichand Jakudu Rajbhar
17.	P. Chinmathambi
18.	Rangal Beerpal Rajbhar
19.	Bhirijbhan Thraylokyra Rajbhar
20.	Subhash Harmathari Rajbhar

21.	Chandrapal Arjun Rajbhar
22.	Chunnilal Ramker Rajbhar
23.	Dilipkumar Murali Rajbhar
24.	Radheshyam Chandey Rajbhar
25.	Shudhiram Douje Rajbhar
26.	Kamla Manja Rajbhar
27.	Santalal Sankar Rajbhar
28.	Pathiram Soorejbali Rajbhar
29.	Rajaram Parmeshwar Rajbhar
30.	Madhuri Parmeshwar Rajbhar
31.	Sanjay Buarka Rajbhar
32.	Vasant Minku Rajbhar
33.	Govind Rajbhar
34.	Lohar Ramprith Rajbhar
35.	Hariram Banchraj Rajbhar

2. After the receipt of the reference, both the parties were served with the notices.

3. As per Ex. 18, 31 workers on whose behalf the demand was raised and the reference has been pending adjudication have resigned from the membership of the union and have joined Maharashtra Navnirman Kamgar Sena. Thereafter Maharashtra Navnirman Kamgar Sena has not appeared nor impleaded as party to the reference on behalf of the concerned workmen.

4. On going through the Roznama, it appears that the union is absent since long. As such there is no evidence to substantiate the statement of claim. For want of evidence the reference is liable to be rejected. Hence it is rejected.

ORDER

For want of evidence the reference is rejected with no order as to costs.

Date: 18.01.2019

M.V. DESHPANDE, Presiding Officer

नई दिल्ली, 11 फरवरी, 2019

का.आ. 245.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स एयरपोर्ट अथॉरिटी ऑफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, मुंबई के पंचाट के (संदर्भ संख्या 03/2018) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.02.2019 को प्राप्त हुआ था।

[सं. एल-11012/7/2004-आईआर(एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 11th February, 2019

S.O. 245.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 03/2018) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Airport Authority of India and their workman, which was received by the Central Government on 08.02.2019.

[No. L-11012/7/2004-IR(M)]

D.K. HIMANSHU, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI**

PRESENT : M. V. Deshpande, Presiding Officer

REFERENCE NO.CGIT-2/ 03 of 2018**EMPLOYERS IN RELATION TO THE MANAGEMENT OF AIRPORT AUTHORITY OF INDIA**

The Airport Director,
Airport Authority of India [IA]
Chatrapati Shivaji International Airport,
Mumbai – 400 099,
MUMBAI.

AND**THEIR WORKMEN**

Shri V.B. Tiwari, Sr. Auto Mechanics [SG],
502, Rahul Apartment, Behind Mukund Nagar,
Kadamwadi, Andheri [E],
Mumbai – 400 059,
MUMBAI.

APPEARANCES:

FOR THE EMPLOYER : Mrs. Geeta Raju i/b. M/s. Kini & Co. Advocates

FOR THE WORKMEN : In Person

Mumbai, dated the 30th January, 2019

AWARD PART – II

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-11012/7/2004 – IR (M) dated 11.06.2004. The terms of reference given in the schedule are as follows :

“Whether the action of the management of Airport Director, Airports Authority of India (IAD), Mumbai in dismissing Shri V.B. Tiwari, Sr. Auto Mechanics [SG] from services with immediate effect vide Memorandum dated 10.12.2003, is justified, proper and in proportionate to the alleged charges of misconduct ? If not, to what relief the workman Shri Tiwari is entitled and from which date and what other directions are necessary in the matter ??”

2. After the receipt of the reference, both the parties were served with the notices. They appeared through their respective representatives.

3. The concerned workman has filed statement of claim. According to the concerned workman, he was employed by the management of Airport Authority of India, Mumbai w.e.f. 31.12.1975 in the capacity of Auto Electrician Gr. I. He was further promoted to the post of Auto Mechanic in 1978, Sr. Auto Mechanic in 1990 and Auto Mechanic [SG] Sr. grade w.e.f. 12.7.98.

4. It is his case that the management issued show cause notice dt. 27.5.96 to him alleging therein that he was running private garage at AAI land near airport. The garage was located in Survey No. 35 of Village Marole at Marole Technical area, Marole Pipeline. This private garage was on the land belonging to AAI, Mumbai airport and he had unauthorisedly encroached the same. The garage was run by the concerned workman in the name of his wife and the said act amounted to gross misconduct u/s. 5 (i)(v)(x) of IAAI Employees [Conduct, Discipline & Appeal] Regulations, 1987.

5. According to him, he was issued charge sheet on 11.10.96. He replied the said charge sheet on 28.10.96 and denied the charges. Management conducted departmental enquiry against him. Enquiry officer submitted his report to the disciplinary authority. The disciplinary authority by order dt. 1.2.2000 imposed upon him the penalty of dismissal of service of AAI with immediate effect. He preferred appeal dt. 30.6.2000 to the Appellate Authority against the dismissal order. The Appellate Authority by its order dt. 29.3.01 set aside the dismissal order and ordered second enquiry by issuing fresh charge sheet. However, the Appellate Authority placed him under suspension w.e.f. 1.2.2000 by way of victimization.

6. It is then case of the concerned workman that he was issued fresh charge sheet vide Memorandum dt. 7.1.01 on same charges and allegations as were leveled earlier. It was alleged that he encroached the management's land i.e.

Kondivita Village, Survey No. 104 situated at Marole Pipeline and motor garage in the name of his wife Smt. Sushila Tiwari was in existence. He denied the charges. The disciplinary authority ordered departmental enquiry. The departmental proceedings were conducted. E.O. submitted his report on 14.10.02. The disciplinary authority on the basis of findings given by E.O. by his order dt. 10.12.03 imposed upon the workman the penalty of dismissal from the services of AAI with immediate effect treating the period from 1.2.2000 to 9.12.03 as not treated as a period spent on duty. The concerned workman preferred an appeal dt. 30.12.03 to the Appellate Authority.

7. It is the case of the concerned workman that it was irregular and illegal on the part of management to initiate second enquiry on same & similar charges of the first enquiry which was set aside by the Appellate Authority. It was illegal to place him under suspension w.e.f. 1.2.2000. E.O. did not conduct disciplinary proceedings in accordance with the principles of natural justice. E.O. did not cause production of original documents which was exhibited by the E.O. as Ex. 2 C document dt. 12.2.03 and relied upon the same though it was not duly proved. Findings of the E.O. to the effect that the land in question i.e. land at Survey No. 104 belongs to the management is perverse. Findings of the E.O. are perverse since document Ex. 2 C i.e. Kami Jastic Patrak pertaining to land Survey No. 34 was a forged document and as such the E.O. did not give any clear finding as to the ownership of land in question. The E.O. ignored to consider the document produced by the concerned workman to establish that the land in question does not belong to management. As such the charges as against him are not proved. Findings of the E.O. are not based on the evidence and therefore the action of the management in dismissing him from the services w.e.f. 10.12.03 is illegal and unjustified.

8. The workman is therefore asking for reinstatement in service w.e.f. 10.12.03 with full back wages, consequential benefits treating the period of suspension as period on duty for all the purposes, costs & compensation.

9. The first party management resisted claim by filing written statement. It is contended that this Industrial dispute has not been sponsored by the union of the workman or the authority or by the substantial number of workmen employed by it. As such industrial dispute does not exist in order to invoke the provisions of section 2 (k) of I.D. Act, 1947.

10. It is then contented that the workman has raised industrial dispute over his demand for reinstatement in service vide his letter dt. 4.2.04. The industrial dispute was raised much before expiry of period of 3 months of date of appeal required by the Appellate Authority to pass the appropriate order. The workman thereafter during the pendency of reference moved the Hon'ble High Court of Bombay by filing writ petition in which he had prayed for relief of reinstatement in service with full back wages and consequential benefits etc. The Hon'ble High Court directed the appellate authority to decide the appeal dt. 27.12.03 within one month from the date of receipt of order. In that circumstances the order of reference dt. 11.6.04 is pre-mature as the same was obtained by him during the pendency of appeal.

11. According to the first party management, show cause notice was issued to the workman under the signature of Assistant Manager with approval of Airport Director. The workman replied the said show cause notice by explanation dt. 4.6.96. The workman was issued the charge sheet by Memorandum dt. 11.10.96 along with statement of imputation of misconduct in support of article of charges framed against him vide Annexure – I, list of documents Annexure – II, list of witnesses Annexure – III. He was issued memo dt. 17.10.97 fixing the preliminary enquiry on 13.11.97. The domestic enquiry was held against him. He was given full opportunity to cross examine the witnesses examined on behalf of the Airport authority and to meet the charges leveled against him. E.O. submitted his report to the management on 8/10-10-99. Airport Director being the disciplinary authority by order dt. 1.2.2000 imposed upon the workman the penalty of dismissal from services of AAI with immediate effect. The workman submitted his appeal addressed to the Chairman of the authority against the dismissal order. The appellate authority set aside the penalty of dismissal order dt. 1.2.2000 and ordered re-enquiry by issuing the fresh charge sheet as the appellate authority observed that proper records were not produced during the enquiry to establish the ownership of the land. It was further observed by the appellate authority that the workman also did not produce original relevant and proper records during the enquiry proceedings to dis-prove the allegations though City Civil Court in order dt. 1.9.98 in Suit No. 5439 / 1987 referred the statement of his wife that the land in question belong to authority. His suspension was therefore continued with retrospective effect from the date of his dismissal by order dt. 1.2.2000 till the case was decided by the disciplinary authority.

12. It is then case of the first party that 2nd charge sheet was issued by Memorandum dt. 7.8.2001 adding two charges.

- I) committing fraud and dishonesty in connection with the property of AAI and causing damage to the said property and
- II) refusing to surrender PIC No. N16256M in the department thereby willfully disobeying the lawful and reasonable orders of superiors and breach of security.

The charge sheet was including the statement of imputation of misconduct, list of documents, list of witnesses. The workman by his reply denied the charges. The departmental enquiry was held into the charges leveled against him by memo dt. 7.8.2001 and was concluded on 20.6.02. Mr. Y. K. Goyal, Dy. G.M. [Cargo] was appointed as E.O. to conduct the enquiry. During the course of enquiry proceedings, originals of all the management documents were shown to the workman for his perusal and verification. He was given opportunity to admit or deny each article of charges of misconduct. He denied the charges leveled against him. Seven witnesses on behalf of the management were produced at the enquiry by the Presenting Officer. After evidence on behalf of the management both oral and documentary was over, the workman was asked to submit the list of defence witnesses and the documents in support of the case to which he replied in the negative. But thereafter he produced the documents in support of his defence. It is thus denied by the first party that the departmental enquiry was conducted in violation of principles of natural justice.

13. According to the first party management, the EO submitted enquiry report to the management on 16.10.02. Thereafter by order dt. 10.12.03, the concerned workman was dismissed from services by Airport Director in exercise of the powers conferred by Regulation 27 of the Regulations. Airport Director perused the enquiry proceedings recorded by the E.O. as well as enquiry report and agreed with the conclusion arrived by E.O. The copy of enquiry report was given to the concerned workman. It is thus denied by the first party that the findings of the E.O. are perverse and based on no evidence. The workman thereafter filed appeal before the Appellate Authority praying to set aside & quash the dismissal order. The appeal was not decided by the Appellate Authority since during the pendency of appeal, the concerned workman initiated the conciliation proceedings before the conciliation officer. The conciliation officer recorded the failure of conciliation and failure report dt. 19.4.04 was sent by him to the Ministry of Labour, Govt. of India, New Delhi for adjudication of industrial dispute.

14. It is thus contention of the first party that the action of the management in dismissing the concerned workman from the services w.e.f. 10.12.03 is fair, proper, bonafide & legal and the workman is not entitled for reinstatement in service w.e.f. 10.12.03 with full back wages, consequential reliefs etc. It has thus sought dismissal of reference.

15. By filing rejoinder the concerned workman reiterated that the land in question belongs to Central Govt. and not to AAI. Land Survey No. 104 has been now merged into CTS No. 272 which belongs to Central Govt. and therefore the findings of the E.O. are totally perverse and no disciplinary action can be taken against him on the basis of perverse findings. The Estate Officer appointed under Public Premises Act has also closed the proceedings initiated against the wife of concerned workman in the year 1998 knowingly fully well that the land in question does not belong to AAI.

16. This tribunal has passed the Award Part – I dated 17.10.2018 and held that the enquiry against the concerned workman is fair & proper and findings of the Enquiry Officer are not perverse. Parties are directed to argue and lead evidence on the point of quantum of punishment. In view of that the concerned workman has filed his affidavit on the quantum of punishment and he was cross examined by the management's advocate. On behalf of the management Smt. Alka Alve, A.M [HR] has filed affidavit and she has been cross examined by the concerned workman.

17. Considering the evidence and submissions on behalf of the concerned workman and the management, following issues arise for my determination and accordingly I reproduce the Issue Nos.3 to 6 vide order dated 24.4.2006 along with my findings thereon for the reasons to follow:

Sr. No.	Issues	Findings
3	Does the management prove that the punishment of dismissal from services of the workman w.e.f. 10.12.2003 imposed upon him by the Airport Director of the Authority, Mumbai by the order dated 10.12.2003 is justified, legal and proportionate to the gravity of alleged charges of misconduct ?	Yes
4.	Whether the reference dated 11.6.2004 issued by the Government of India, Ministry of Labour, New Delhi under Section 2 (k) of the Act is valid and legal; when the dispute challenging the dismissal order dated 10.12.2003 was taken up by the workman himself alone ?	Yes
5.	Does the Management prove that the appeal dated 27.12.2003 preferred by the workman suffers from the infirmities, being not in accordance with the provisions of I.A.A.I. Employees (Conduct, Discipline and Appeal) Regulations, 1987 ?	No
6.	Whether the order of reference dated 11.6.2004 is premature and hence bad in law; as the same was obtained by the workman during the pendency of appeal dated 27.12.2003 before the Appellate Authority ?	No

Reasons

Issue No.3.

18. In view of order in WP No. 3011 of 2018 it is clear that this tribunal has concluded preliminary issues which is required to be framed in cases where punishment is founded on domestic enquiry which is conducted against the workman. Hence what remains now is passing the final orders as regards the quantum of punishment. Therefore this tribunal is directed to decide the issue latest by 31.01.2019 by the Hon'ble High Court as per order in this writ petition.

19. Even then the concerned workman in his affidavit has stated that the errors in Award Part – I can be corrected at any stage of proceedings by this tribunal on perusal of material on record. In view of that in his affidavit the concerned workman has reiterated the factual position which was already considered at the time of passing the award Part – I.

20. At the cost of repetition it will have to be said that this tribunal while deciding these issues have already considered the documents relied upon by the E.O. during the enquiry conducted by the E.O. and has come to the conclusion that the enquiry is fair & proper and findings of the E.O. are not perverse.

21. It is necessary therefore to refer to the decision in case of Tata Infomedia Ltd. [erstwhile Tata Press Ltd.] V/S. Tata Press Employees' Union & Anr. – 2006 (108) – FLR 890 wherein fundamental principles that govern the conduct of disciplinary enquiries are given and as per the principle No.3 it has been held that once a finding of the disciplinary authority is based on some evidence the sufficiency of evidence in proof of finding lies beyond the scope of scrutiny of the reviewing court. The finding must, however, be supported by legal evidence. The test of perversity is that a finding is not supported by legal evidence or where the finding is such as no reasonable body of the persons would have arrived at on the basis of material on record.

22. In view of this legal position in each case where the findings that has been arrived at the disciplinary proceedings is sought to be questioned. The essential question is to be taken is whether the findings of the misconduct is based on some evidence or no evidence at all. A finding which is based on no evidence is liable to be interfered with because it is susceptible to the inference of arbitrariness and perversity. But once the finding is based on some evidence the sufficiency of evidence in proof of finding lies beyond the scope of scrutiny of reviewing court. Here in the instant matter also this tribunal has already concluded that the finding is based on evidence and therefore sufficiency of evidence in proof of finding lies beyond scope of scrutiny. Once the issue as regards the sufficiency of evidence, fairness of enquiry and perversity of findings are decided to the effect that the findings are based on evidence and that the enquiry is fair & proper then there is no scope for the concerned workman to say that there are errors in award Part – I which can be corrected at any stage of proceedings by this tribunal.

23. Even as regards the scope of jurisdiction of the labour court u/s. 11 (a) of I.D. Act is concerned, as per the fundamental principles recapitulated in the decision cited above, it is clear that the jurisdiction of labour court u/s. 11 (a) of I.D. Act is not unlimited. Section 11A does not confer the arbitrary power on the industrial tribunal or labour court. The jurisdiction is supervisory in nature to be exercised where the finding on disciplinary enquiry is based on no evidence. Where there has been a transgression of principles of natural justice or where the finding is perverse in the sense that no reasonable body of the persons would have arrived at such a finding.

24. Here in the instant case the competent authority vide order dt. 10.12.03 considered the charges leveled against the workman as grave and serious and confirmed the penalty of dismissal from services. The concerned workman preferred an appeal before the appellate authority on 27.12.03 as provided under the provisions of Industrial Airport Authority of India Employees [Conduct, Discipline & Appeal] Regulations, 1987. The appellate authority also held as follows:

“After going through the various issues raised by the workman in his appeals dated 23.12.03 & 14.12.05, all other case related documents, facts & circumstances of the case have come to the conclusion that there is no justification to alter the penalty of dismissal of Shri V.B. Tiwari from the services of AAI issued by the disciplinary authority vide order dated 10.12.03 and rejected the appeal submitted by him.”

The appeal was rejected by the appellate authority vide order dated 23.2.06.

25. Precisely, it is the submission of the first party management that the concerned workman committed encroachment on AAI land and was running garage on the encroached land of AAI in the name of his wife and as such he committed fraud and dishonesty in connection with the property of AAI and caused damage to the property. Therefore he does not deserve any leniency with respect to punishment of dismissal awarded to him for grave & serious employment misconduct committed by him.

26. So far as legal position is concerned, the court would not interfere with the administrative decision unless it was illegal or suffered from procedural impropriety or irrational in the sense it was outrageous, defiance of logic or moral standards. It is held in the decision in case of **Domoh PannaSagar Rural Rational Bank &Ors V/S. Munnalal Jain CA No. 8258 of 2004 [SC]** that

“Unless the punishment imposed by the Disciplinary Authority or the Appellate Authority shocks the conscience of the Court/Tribunal, there is no scope for interference. Further to shorten litigations it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof. In a normal course if the punishment imposed is shockingly disproportionate it would be appropriate to direct the Disciplinary Authority or the Appellate Authority to reconsider the penalty imposed.”

27. In this respect hand can be laid on the decision in case of LIC of India &Ors. V/s. S. Vasanti, Civil Appeal No. 7717 of 2014 wherein Hon’ble Apex Court with reference to decision in case of **LucknowKshetriyaGramin Bank (Now Allahabad, Uttar Pradesh Gramin Bank) &Anr. V/S. Rajendra Singh (2013) 12 SCC 372** has held;

- a) when charge(s) of misconduct is proved in an enquiry, the quantum of punishment to be imposed in a particular case is essentially the domain of the departmental authorities.
- b) The courts cannot assume the function of disciplinary / departmental authorities and to decide the quantum of punishment and nature of penalty to be awarded, as this function is exclusively within the jurisdiction of the competent authority.
- c) Limited judicial review is available to interfere with the punishment imposed by the disciplinary authority, only in cases where such penalty is found to be shocking to the conscience of the court.
- d) Even in such a case when the punishment is set aside as shockingly disproportionate to the nature of charges framed against the delinquent employee, the appropriate course of action is to remit the matter

back to the disciplinary authority or the appellate authority with direction to pass appropriate order of penalty. The court by itself cannot mandate as to what should be the penalty in such a case."

28. In his evidence, the concerned workman has admitted in his cross examination that he has not even made efforts to get any other job after his dismissal from service. Even it appears from his cross examination that he wanted to show that there was structure on the land which has been regularized and then he claims that the said structure was regularized in the name of society namely Sushila Complex Welfare Society but he has not produced any document to that effect.

29. Even then the concerned workman submitted that in show cause notice Ex M-24 it is stated that the concerned workman is running private garage on AAI land near Airport. The said garage is located at Survey No. 35 of village Marol at Marol technical area moral pipe line. Accordingly Charge Sheet Ex-M-25 was issued alleging that the concerned workman committed misconduct by encroachment on AAI Land for the purpose of running motor garage in the name of his wife. In the first inquiry it is alleged that the concerned workman is running garage in Survey No 35 of village Marol. The submission is to the effect that in the second Charge Sheet it is alleged that the concerned workman is running private garage on AAI land Survey No. 104 of village Kondivita. In view of this, submission is that this is impossible to change the location of alleged encroachment as per allegations in the first Charge Sheet and second Charge Sheet from survey No. 35 of village Marol to Survey No. 104 of Village Kondivita.

30. In this respect it will have to be said that the order of the Appellate Authority has made it clear that proper record and documents were not produced during the first inquiry to establish the ownership of the land. The Appellate Authority had made it clear that this procedural flaw does not absolve Shri V.B. Tiwari from the charges leveled against him & Shri Tiwari has not produced original and relevant documents, proper record during the proceedings and hence the allegations against him exists and not disproved. From the order of Appellate Authority it appears that he had gone through the representation made by the concerned workman dated 22.11.1999 where he has stated that the court document is in favour of his wife and enclosed order dated 19.1.1988 from City Civil Judge Mumbai in Suit No 5439/87 in the court proceedings wherein his wife has stated that the land belong to AAI and the same is quoted in court order. In view of that the Appellate Authority in respect of the first inquiry was pleased to order fresh inquiry by issuing fresh Charge Sheet taking into account all relevant documents required in the case and the order of the first inquiry was set aside. It is in that circumstances the relevant documents were taken into considerations at the time of issuing fresh Charge Sheet, wherein it is alleged that concerned workman encroached AAI land of Kondivita village Survey No. 104 situated at Marol pipe line and the motor garage in the name of his wife is in existence. Even in Cross examination of the management witness Mrs. Alka Alave it has come on record that during the fresh inquiry corrigendum was issued though it has been pointed out by the concerned workman that the said corrigendum was not produced on record. The fact remains that the Appellate Authority set aside the earlier order and ordered fresh inquiry by issuing fresh Charge Sheet by taking into account all the documents and therefore in the subsequent chargesheet there is mention of Survey No. 104 & City Survey No. 272 with the allegations that concerned workman encroached AAI land i.e. Kondivita Village Survey No 104 and running motor garage in the name of his wife is in existence.

31. Next submission of concerned workman is that the show-cause notice Ex-M-34 is issued to the workman under Repealed Act, since International Airport Authority and National Airport Authority constituted under aforesaid Act shall stand repealed. This submission is also not acceptable. This contention is without pleadings in Statement of Claim. It appears from Ex- M-29 that the inquiry was proposed against the concerned workman under Rules & Regulations 28 of AAI Employees Conduct Discipline and Appeal Regulations 1987. During the inquiry the concerned workman did not raise such objection though in his submission the concerned workman submitted that he submitted letters dated 17.9.1988 to the management pointing out that show cause notice is issued to him under Repealed Act. The other submissions of the concerned workman during the course of argument or his written notes of argument are decided in Part-I Award dated 17.10.2018.

32. In view of that the Ld. Counsel for the first party submitted that the issue to be considered is whether the quantum of punishment awarded by the management was proportionate to the gravity of offence committed by the workman. Submission is to the effect that in this case there is nothing to suggest that the punishment was harsh and shockingly disproportionate in any manner. She seeks to rely on the decision in case of **State of UP Vs. Sheo Shanker Lal Srivastava & Ors 2006 (3) SCC 276** to submit that "the doctrine of proportionality can be invoked only under the certain situations and the court shall be very slow in interfering with the quantum of punishment, unless it is found too shocking to one's conscience". The reliance is also placed on the decision in case of **Hombe Gowda Educational trust and Anr. Vs. State of Karanatka & Ors 2005 (1) SCC 430**.

33. As regards the plea of victimization Ld. Counsel for the first party submitted that alleged act of victimization has to be pleaded and proved. In the absence of evidence that case falls she seeks to rely in the context on the decision in case of **Bharat Forge Vs. Uttam Manohar Nakate 2005 (1) CLR 533** to submit that the victimization has to be proved on the basis of cogent evidence.

34. Considering the evidence and the legal position cited above I find that punishment imposed by the disciplinary authority on account of misconduct of the concerned workman cannot be said to be shockingly disproportionate. Considering the gravity of charges and scope of interference with the punishment imposed by the disciplinary authority I find that the punishment imposed upon him is adequate to the misconduct. Hence Issue No. 3 is answered accordingly in the affirmative.

Issues Nos. 4 & 5.

35. Management has come out a case that there is nothing on record to show that the dispute raised by the workman was espoused by the appreciable number of workmen employed by the authority. It is thus case of the management that the order of reference dated 11.6.04 shows that the Central Government was of the opinion that the industrial dispute exists between the employers in relationship to management of AAI and their workmen in respect of matters specified in the schedule. Thus the order of reference was made by the Govt. of India under 2 (k) of the Act though the industrial dispute was not espoused by appreciable number of workmen in his clause employed in the establishment and therefore the reference is not valid and legal.

36. In this context it is necessary to refer section 2 (k) of I.D. Act which reads as under:

“Industrial dispute means any dispute or difference between employers & employers or employers and workmen or between workmen & workmen which is connected with the employment or non-employment or the terms of employment or that the conditions of labour or any persons.”

The above definition of I.D. Act envisages the collective dispute as an industrial dispute. I.D. Act was amended in 1965 and section 2 (a) was added making individual dispute of a workman as an industrial dispute, if the dispute related to dismissal, discharge, retrenchment or termination of the individual workman. Thus section 2 (a) covered out an exception to the definition of individual dispute as given in section 2 (k) of I.D. Act.

37. It is thus well settled that the forum for resolving the industrial dispute in respect of dismissal / removal from service of the workman is the industrial tribunal.

38. There is absolutely no irregularity, infirmity or any illegality in the order of reference on any count. It is well settled that it is the duty of the industrial tribunal to find out from the material before it as to what are points of difference which are discernible from the material before the tribunal and not to find out technical defects in the wording of order of reference. The first party has not adduced any evidence to point out that the appeal dated 27.12.03 preferred by the workman suffers from infirmity as the same is not in accordance with the provisions of I.A.A.I. Employees (Conduct, Discipline and Appeal) Regulations, 1987. For want of evidence Issue No.5 will have to be answered in negative. It will have to be said therefore that the reference is legal and valid in view of section 2 (a) of the act. The above issues are therefore answered accordingly as indicated against it.

Issue No. 6.

39. It is also the contention of the first party that the industrial dispute was raised by the concerned workman much before the expiry of 3 months of the date of appeal required by the appellate authority to pass the appropriate order, by sending the demand letter dated 4.2.04 and by obtaining the impugned order of reference dated 11.6.04. It is contention of the first party that the workman during the pendency of reference moved to the Hon'ble H.C. Bombay by filing WP No. 2646 / 2005 for relief of reinstatement in service with full back wages, consequential benefits etc. and the Hon'ble H.C. was pleased to pass the order dated 23.11.05 directing the appellate authority to decide the appeal dated 27.12.03 within one month from the date of receipt of the order. The order of reference dated 11.6.04 is premature as the same was obtained by the concerned workman during the pendency of appeal.

40. This submission of the first party is not acceptable since the concerned workman has raised the dispute in respect of his dismissal from service and accordingly the order of reference was issued. It was not necessary for the authority to wait till the decision of appeal. Hence I find that the order of reference is not premature. This issue is therefore answered accordingly in the negative.

41. Considering all these facts and in view of my findings to the above issues for the reasons stated above, I find that the order of dismissal of the service of the concerned workman is proportionate to the misconduct. In view of award part – I, the enquiry is fair & proper and findings of the E.O. are not perverse. So in view of that the reference is liable to be rejected with no order as to costs. Hence order.

ORDER

Reference is rejected with no order as to costs.

Date: 30.01.2019

M.V. DESHPANDE, Presiding Officer